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GOEWERMENTSKENNISGEWINGS

DEPARTEMENT VAN ARBEID

No. R. 1136 10 Julie 1970

LOONWET, 1957

LOONVASSTELLING No. 318

KOMMERSIËLE DISTRIBUSIEBEDRYF, KLEINER DORPE

In opdrag van die Minister van Arbeid, word hierby ingevolge artikel 14 (2) van die Loonwet, 1957, bekendgemaak dat die Minister kragtens die bevoegdheid aan hom verleen by artikel 14 (1) van genoemde Wet, die Loonvasstelling wat in die Bylae hiervan verskyn ten opsigte van die Kommersiële Distribusiebedryf, Kleiner Dorpe, gemaak en die eerste dag van Augustus 1970 as die datum waarop die bepalings van genoemde Loonvasstelling bindend word.

BYLAE

1. GEBIED EN OMVANG VAN DIE VASSTELLING

Hierdie Vasstelling is van toepassing in die volgende gebiede, naamlik:

Kaapprovinsie.—Die munisipale gebiede van Aliwal-Noord, Beaufort-Wes, Burgersdorp, Caledon, Ceres, Cradock, Despatch, De Aar, Durbanville, George, Gordonsbaai, Graaff-Reinet, Grahamstad, Hermanus, King William's Town, Knysna, Kokstad, Kraaifontein, Kuilsrivier, Kuruman, Mafeking, Malmesbury, Middelburg, Montagu, Mosselbaai, Oudtshoorn, Paarl, Queens-town, Riversdal, Robertson, Somerset-Oos, Somerset-Wes, Stellenbosch, Strand, Swellendam, Uitenhage, Upington, Vryburg, Wellington en Worcester;

Natal.—Die munisipale gebiede of dorpsbestuursgebiede, na gelang van die geval, van Dundee, Estcourt, Glencoe, Ladysmith, Margate, Newcastle, Port Shepstone, Scottburgh en Vryheid;

Oranje-Vrystaat.—Die munisipale gebiede of dorpsbestuursgebiede, na gelang van die geval, van Bethlehem, Ficksburg, Harrismith, Heilbron, Kroonstad, Ladybrand, Odendaalsrus, Parys, Senekal en Virginia;

Transvaal.—Die munisipale gebiede, dorpsraadgebiede, gesondheidskomiteegebiede of plaaslike gebiedskomiteegebiede van die Transvaalse Raad vir die Ontwikkeling van Buitestedelike Gebiede na gelang van die geval, van Barberton, Bethal, Brits,

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GOVERNMENT NOTICES

DEPARTMENT OF LABOUR

No. R. 1136 10 July 1970

WAGE ACT, 1957

WAGE DETERMINATION No. 318

COMMERCIAL DISTRIBUTIVE TRADE, SMALLER TOWNS

By direction of the Minister of Labour it is hereby notified, in terms of section 14 (2) of the Wage Act, 1957, that the Minister, under the powers vested in him by section 14 (1) of the said Act, has made the Wage Determination in the Schedule hereto in respect of the Commercial Distributive Trade, Smaller Towns, and has fixed the first day of August 1970 as the date from which the provisions of the said Wage Determination shall be binding.

SCHEDULE

1. AREA AND SCOPE OF DETERMINATION

This Determination shall apply in the following areas, namely—

Cape Province.—The municipal areas of Aliwal North, Beaufort West, Burgersdorp, Caledon, Ceres, Cradock, Despatch, De Aar, Durbanville, George, Gordon's Bay, Graaff-Reinet, Grahamstown, Hermanus, King William's Town, Knysna, Kokstad, Kraaifontein, Kuils River, Kuruman, Mafeking, Malmesbury, Middelburg, Montagu, Mossel Bay, Oudtshoorn, Paarl, Queenstown, Riversdale, Robertson, Somerset East, Somerset West, Stellenbosch, Strand, Swellendam, Uitenhage, Upington, Vryburg, Wellington and Worcester;

Natal.—The municipal areas or town board areas, as the case may be, of Dundee, Estcourt, Glencoe, Ladysmith, Margate, Newcastle, Port Shepstone, Scottburgh and Vryheid;

Orange Free State.—The municipal areas or village management board areas, as the case may be, of Bethlehem, Ficksburg, Harrismith, Heilbron, Kroonstad, Ladybrand, Odendaalsrus, Parys, Senekal and Virginia;

Transvaal.—The municipal areas, village council areas, health committee areas or local area committee areas of the Transvaal Board for the Development of Peri-Urban Areas, as the case may be, of Barberton, Bethal, Brits, Christiana, Ermelo, Evander,

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Christiana, Ermelo, Evander, Groblersdal, Heidelberg, Lichtenburg, Louis Trichardt, Lydenburg, Meyerton, Middelburg, Nelspruit, Nylstroom, Phalaborwa, Pietersburg, Piet Retief, Potchefstroom, Potgietersrus, Rensburg, Rustenburg, Schweizer-Reneke, Standerton, Tzaneen, Volksrust, Warmbad, Waterval-Boven, Witbank, Witrivier, Wolmaransstad en Zeerust;

op alle werknemers in die Kommersiële Distribusiebedryf en op die werkgewers van sodanige werknemers: Met dien verstande dat dit nie van toepassing is nie op—

(a) werknemers wie se tyd grotendeels in beslag geneem word deur—

(i) die knip, kap, skeer, krul, reinig, skroei, was, bleik, verf, kleur, tint, stileer, permanent-, marcel- of waterkartel of enige ander behandeling van die kop- of gesig; of

(ii) die massering of ander stimulerende behandeling van die gesig, kopvel of nek; of

(iii) naelversorging, winkbroue pluk, haarwerk, trichologiese of skoonheidsbehandeling;

hetsy by enig een van hierdie werksaamhede enige apparaat, toestel, preparaat of stof gebruik word al dan nie;

(b) werknemers wat uitsluitlik of hoofsaaklik werksaam is in Bantoegebiede soos omskryf in artikel 1 (1) van die Wet op Nywerheidsversoenig, 1956, vir die verrigting van die werksaamhede waarvoor hulle in diens geneem is;

(c) werknemers in 'n bedryfsinrigting wat ingevolge die Wet op Fabriek, Masjinerie en Bouwerk, 1941, as 'n fabriek geregistreer is of aan registrasie onderworpe is en waarin hul werkgewer 'n sekere hoeveelheid van of al sy eie drank vervaardig (en die uitdrukking omvat versnyding), en drank wat hy uit ander bronne, benewens sy eie, verkry, verkoop of versprei of verkoop en versprei, indien en vir solank as wat—

(i) die werkgewer aldus slegs in groothandelhoeveelhede en slegs aan persone wat gelisensieer is om drank te verkoop, verkoop of versprei of verkoop en versprei;

(ii) hy aldus uit sodanige bedryfsinrigting verkoop of versprei of verkoop en versprei; en

(iii) die grootste gedeelte van sy besigheid, bereken op 'n gellinggrondslag, die verkoop of verspreiding of verkoop en verspreiding van sy eie produkte is;

(d) werknemers in 'n bedryfsinrigting waarin motorvoertuie gemonteer en waaruit motoronderdele of bybehore, hetsy daarin vervaardig of uit ander bronne verkry, verkoop of versprei word, of sowel verkoop as versprei word indien en vir solank as wat sodanige onderdele of bybehore verkoop of versprei word of verkoop en versprei word slegs aan werkgewers in die Motorgaragebedryf;

(e) werknemers wat roomys, sorbet of bevrore lekkernye van 'n soortgelyke aard van enige vervoermiddel af verkoop;

(f) werknemers in die Mineraalwaternywerheid ten opsigte van die kleinhandelverkope of -verspreiding in die volgende van dié gebiede hierbo omskryf, naamlik George, Mosselbaai, Oudtshoorn, Paarl, Somerset-Wes, Stellenbosch, Wellington, Worcester, Kroonstad, Odendaalsrus, Virginia en Potchefstroom; en

(g) werknemers in die Wol-, Angorahaar-, Huid- en Velbedryf in die volgende gebiede hierbo omskryf, naamlik Mosselbaai, Uitenhage en Kroonstad.

2. WOORDOMSKRYWING

(a) Tensy die sinsverband anders aandui, het elke uitdrukking wat in hierdie Vasstelling gebesig en in die Loonwet, 1957, omskryf word, dieselfde betekenis as in daardie Wet en, tensy onbestaanbaar met die sinsverband, beteken—

(1) "afleringswerknemer, graad A" 'n werknemer wat briewe, boodskappe of goedere afler of vervoer deur middel van 'n motoraangedrewe fiets of hulpmotorfiets met 'n enjin wat 'n vermoë van hoogstens 50 cc het; (25)

(2) "afleringswerknemer, graad B" 'n werknemer wat briewe, boodskappe of goedere te voet of deur middel van 'n fiets, driewieler of ander hand- of voetaangedrewe voertuig afler of vervoer; (26)

(3) "algemene werker" 'n werknemer wat in een of meer van die volgende hoedanighede werksaam is, of een of meer van die volgende werksaamhede verrig:—

(a) Posseëls plak op briewe, pakkette of ander artikels wat gepos moet word, of 'n handfrankeermasjien bedien;

(b) gedrukte of klaar geadresseerde etikette plak of bottels, bale, kaste of ander pakke;

(c) kassies uit kasplanke met die hand inmeekaarsit;

(d) op afleringsvoertuie behulpzaam wees;

(e) afvalmetaal opbreek, waarby inbegrepe is afvalmetaal met enige middel in stukke sny;

(f) goedere dra, verskuif of stapel, uitgesonderd met 'n mobiele hystoestel, of goedere uitpak;

(g) wiele omruil of lekkie heelmaak;

Groblersdal, Heidelberg, Lichtenburg, Louis Trichardt, Lydenburg, Meyerton, Middelburg, Nelspruit, Nylstroom, Phalaborwa, Pietersburg, Piet Retief, Potchefstroom, Potgietersrus, Rensburg, Rustenburg, Schweizer-Reneke, Standerton, Tzaneen, Volksrust, Warm Baths, Waterval-Boven, White River, Witbank, Wolmaransstad en Zeerust;

to all employees in the Commercial Distributive Trade and to the employers of such employees: Provided that it shall not apply to—

(a) employees, the major portion of whose time is spent on—

(i) hairdressing, haircutting, shaving, curling, cleaning, singeing, shampooing, bleaching, dyeing, colouring, tinting, styling, permanent waving, marcel or water waving, or any other treatment of the hair of the head or the face; or

(ii) the massage or other stimulative treatment of the face, scalp or neck; or

(iii) manicuring, eyebrow plucking, board work, trichological treatment or beauty culture;

whether or not any apparatus, appliance, preparation or substance is used in any of these operations;

(b) employees wholly or mainly employed in Bantu Areas as defined in section 1 (1) of the Industrial Conciliation Act, 1956, for the performance of the activities for which they are employed;

(c) employees in an establishment which is registered or is liable to registration as a factory in terms of the Factories, Machinery and Building Work Act, 1941, and in which their employer manufactures (which expression includes blending) some or all of his own liquor and sells or distributes or sells and distributes liquor acquired by him from other sources in addition to his own liquor, if and for so long as—

(i) the employer so sells or distributes or sells and distributes only in wholesale quantities and solely to persons licensed to sell liquor;

(ii) he so sells or distributes or sells and distributes from such establishment; and

(iii) the major portion of his business is the sale or distribution or sale and distribution of his own products reckoned on a gallonage basis;

(d) employees in an establishment in which motor vehicles are assembled and from which establishment motor spare parts or accessories, whether manufactured therein or acquired from other sources, are sold or distributed or both sold and distributed, if and for so long as such spare parts or accessories are sold or distributed or sold and distributed solely to employers in the Motor Garage Trade;

(e) employees selling ice-cream, sherbet or frozen delicacies of a similar nature from any conveyance;

(f) employees in the Mineral Water Manufacturing Industry in respect of the sale or distribution by retail in the following of the areas mentioned above, namely, George, Mossel Bay, Oudtshoorn, Paarl, Somerset West, Stellenbosch, Wellington, Worcester, Kroonstad, Odendaalsrus, Virginia and Potchefstroom;

(g) employees employed in the Wool, Mohair, Hides and Skins Trade in the following of the areas mentioned above, namely, Mossel Bay, Uitenhage and Kroonstad.

2. DEFINITIONS

(a) Unless the context otherwise indicates, any expression which is used in this Determination and which is defined in the Wage Act, 1957, has the same meaning as in that Act and unless inconsistent with the context—

(1) "alteration hand" means an employee who is engaged in altering or repairing any articles of men's, women's or children's wearing apparel, other than second-hand clothing, incidental to the sale of such articles from an establishment; (67)

(2) "alteration hand, qualified" means an alteration hand who has not less than four years' experience; (68)

(3) "alteration hand unqualified" means an alteration hand who has had less than four years' experience; (69)

(4) "Area A" means the areas of Durbanville, Kraaifontein, Kuils River, Paarl, Somerset West, Stellenbosch, Strand, Uitenhage, Wellington and Worcester as described in clause 1; (20)

(5) "Area B" means the areas of Despatch, Gordon's Bay, Hermanus, Kroonstad, Malmesbury, Meyerton, Odendaalsrus, Potchefstroom, Virginia and Witbank as described in clause 1; (2)

(6) "Area C" means the areas of Caledon, Ceres, Ermelo, Evander, George, Heidelberg (Transvaal), Knysna, Middelburg (Transvaal), Montagu, Mossel Bay, Nelspruit, Oudtshoorn, Rensburg, Riversdale, Roberson, Swellendam, Upington and Vryburg as described in clause 1; (22)

(h) persele of voertuie, meubels, gerei, filterperse, masjinerie, implemente, gereedskap, of ander artikels op sy werkgewer se perseel skoonmaak;

(i) pluimvee skoonmaak of pluk of vrugte of groente skoonmaak;

(j) vis skoonmaak, krap, ontgraat, stukkend sny of in mootjies sny;

(k) kontant in die geval van k.b.a.-verkope invorder, of skriftelike bestellings aanneem;

(l) met betrekking tot goedere wat in die bedryfsinrigting verkoop word, papier, monsters, linoleum, gordynstange, ogiesdraad, draad of ander artikels of goedere met die hand volgens afgemerkte afmetings sny;

(m) afleweringswerknemer, graad B;

(n) in vate, tenks of ander houers voer of daaruit tap, outomatiese of halfoutomatiese masjiene, bewegende vervoerband of platform voer, of daarvan afneem;

(p) bottels of ander houers met die hand of 'n nie-kragaan-gedrewe masjien vul, of dit van doppies, proppe of etikette voorsien;

(q) pos opvou of in koeverte plaas;

(r) eiers volgens grootte gradeer;

(s) roerende eiendom gedurende die besigheidsure van 'n bedryfsinrigting bewaak;

(t) voertuie laai of aflaai;

(u) vuurmaak of vure aan die brand hou of afval of as verwyder;

(v) tee of derglike drank maak vir, of tee of derglike drank bedien aan, werknemers of sy werkgewer of gaste;

(w) bale, blikke, kaste, of ander pakke met die hand merk, brandmerk of sjabloneer;

(x) afvallood smelt;

(y) sakke of sakkies met die hand heelmaak;

(z) voorafgeveegde of andersins bepaalde bestanddele van diere- of pluimveevoer met die hand meng;

(aa) kaste met die hand toespyker of kaste of kratte heelmaak;

(ab) masjinerie of voertuie, uitgesonderd motorvoertuie, olie of smeer;

(ac) deure of vensters of sakke, bale, kaste of ander pakke oop- of toemaak;

(ad) 'n goederehyser of -hystoestel, uitgesonderd 'n mobiele hystoestel, bedien;

(ae) artikels van gelyke grootte en getal pak in houers wat spesiaal vir sulke artikels bedoel is of artikels of gespesifiseerde groepe artikels pak in houers wat spesiaal vir sulke artikels of groepe artikels bedoel is, of artikels in oop houers pak vir plaaslike aflewering, of vis verpak;

(af) herhaaldelik weeg volgens voorafbepaalde gewig of herhaaldelik meet volgens voorafbepaalde maat;

(ag) rifel- of veselborddose of soortgelyke houers met die hand inmekaarsit of uitmekaar haal;

(ah) leë sakke, bottels of ander houers sorteer;

(ai) pakke, pakkette of sjablone sorteer, of pakkette toedraai;

(aj) bande of drade om kaste sit;

(ak) diere oppas, skoonmaak, voer, inspan of uitspan;

(al) rubber- of ander stempels gebruik wat geen oordeel verg nie;

(am) oorpakke, uniforms of beskermende klere was; (38)

(4) "Bantoe" 'n persoon wat inderdaad 'n lid van enige inboorlingras of -stam van Afrika is of algemeen as sodanig aanvaar word; (10)

(5) "bediener van 'n mobiele hystoestel" 'n werknemer wat werk met 'n kragaan-gedrewe mobiele hystoestel wat by die laai, aflaai, versit of opstapel van goedere gebruik word; (50)

(6) "bedryfsinrigting" 'n perseel waarop of inverband waarmee een of meer werknemers in die Kommersiële Distribusiebedryf in diens is; (36)

(7) "bestuurder" 'n werknemer wat deur sy werkgewer belas is met die algemene—

(a) toesig oor;

(b) verantwoordelikheid vir; en

(c) leiding van

die werksaamhede van 'n bedryfsinrigting en die werknemers wat daarin werk; (45)

(8) "bestuurder van 'n motorvoertuig" 'n werknemer wat 'n motorvoertuig bestuur, en by die toepassing van hierdie woord-omskrywing omvat die uitdrukking "n motorvoertuig bestuur" alle tydperke wat hy bestuur, alle tyd wat hy bestee aan werk in verband met die voertuig of die vraag en alle tydperke wat hy verlig is om op sy pos te bly gereed om te bestuur; (33)

(9) "buitwinkelassistent" 'n werknemer wat vir en namens 'n kleinhandelbedryfsinrigting gedurende die gewone werkure in klousule 5 vir 'n winkelassistent voorgeskryf van kantoor tot kantoor of van private huis tot private huis gaan om bestellings van persone te vra, aan te vra of te werf vir die verskaffing van goedere aan hulle vir hul eie gebruik of verbruik, en wat geld namens sy bedryfsinrigting kan insamel; (55)

(7) "Area D" means the areas of Beaufort West, Bethal, Bethlehem, Brits, Cradock, De Aar, Estcourt, Graaff-Reinet, Grahamstown, Harrismith, King William's Town, Ladysmith, Lichtenburg, Mafeking, Middelburg (Cape), Newcastle, Phalaborwa, Parys, Pietersburg, Queenstown, Rustenburg, Standerton, Volksrust and Vryheid as described in clause 1; (23)

(8) "Area E" means the areas of Aliwal North, Barberton, Burgersdorp, Dundee, Ficksburg, Glencoe, Kokstad, Kuruman, Lydenburg, Nylstroom, Potgietersrus, Senekal, Somerset East and Tzaneen as described in clause 1; (24)

(9) "Area F" means the areas of Christiana, Groblersdal, Heilbron, Ladybrand, Louis Trichardt, Margate, Piet Retief, Port Shepstone, Schweizer-Reneke, Scottburgh, Warm Baths, Waterval-Boven, White River, Wolmaransstad and Zeerust as described in clause 1; (25)

(10) "Bantu" means a person who in fact is or is generally accepted as a member of any aboriginal race or tribe of Africa; (4)

(11) "casual employee" means an employee who is employed by the same employer on not more than three days in any week, except in a week during which the end of a month falls on a work day in which event such an employee may in that week work for the same employer for up to three days to and including the last day of that month and for up to three days in the next month but so that such employee is not employed by the same employer for more than five days in such week; (41)

(12) "Catering Trade" means the trade in which employers and employees are associated for the purpose of wholly or mainly preparing or serving meals or refreshments (whether liquid or otherwise) or both such meals and refreshments in or from any establishment or portion thereof, whether permanent, temporary, indoors or in the open air, and this includes such activities when carried on in or from one or more classes of premises or portions thereof—

(a) which are used as public restaurants, cafés or tearooms

(b) where meals or non-alcoholic drinks or both such meals and drinks are served;

(c) where aerated or mineral waters are supplied in glasses or other containers for consumption on the premises;

(d) where the above-mentioned activities are carried on in or in connection with any theatre, bioscope, bioscoop-tearoom or any other entertainment or function;

and also includes the supply of liquor in any such establishments or on any such premises in terms of a liquor licence under the Liquor Act, 1928, held by such employers, but it does not include hotels, establishments trading exclusively under a wine and malt liquor licence, boarding-houses or premises or portions of premises where meals or refreshments or both such meals and refreshments are provided wholly or mainly for consumption away from the premises;

and includes all operations incidental to or consequent on any of the aforesaid activities; (71)

(13) "chauffeur" means an employee who is engaged in driving a motor vehicle designed to carry passengers and used for the conveyance of his employer, personnel, clients or visitors; (10)

(14) "clerk" means an employee who is engaged in writing, typing or any other form of clerical work and includes a cashier, a telephone switchboard operator and an operator of an adding, calculating or punch card machine, but does not include any other class of employee elsewhere defined in this clause notwithstanding the fact that clerical work may form a portion of such employee's work; (31)

(15) "clerk, female, qualified" means a female clerk who has had not less than four years' experience; (34)

(16) "clerk, female, unqualified" means a female clerk who has had less than four years' experience; (35)

(17) "clerk, male, qualified" means a male clerk who has had not less than five years' experience; (32)

(18) "clerk, male, unqualified" means a male clerk who has had less than five years' experience; (33)

(19) "coal" includes coke and charcoal; (54)

(20) "Coal Trade" means the trade in which employers and employees are associated for the sale, distribution and preparation for sale of coal or firewood or both, or for any one or more of these activities; (55)

(21) "Commercial Distributive Trade" means the trade in which employers and employees are associated for the purpose of conducting a shop and includes all operations incidental thereto carried on by such employers and their employees but does not include—

(i) that section of the trade in which is carried on—

(a) the sale or distribution or the sale and distribution by manufacturers (including cereal millers) of the goods manufactured by them; provided that this exclusion shall not apply—

(aa) in respect of the sale or distribution or the sale and distribution of goods from premises situated away from the factory premises and in respect of which one or both of the licences

(10) "chauffeur" 'n werknemer wat 'n motorvoertuig bestuur wat vir die vervoer van passasiers bedoel is en wat gebruik word vir die vervoer van sy werkgewer of van personeel, klante of besoekers; (13)

(11) "deeltydse bestuurder van 'n motorvoertuig" 'n werknemer wat in die reël ander werk doen as om 'n motorvoertuig te bestuur maar wat op meer as twee dae in 'n week 'n motorvoertuig vir altesaam hoogstens drie uur op enige sodanige dag bestuur, en by die toepassing van hierdie woordomsynging omvat die uitdrukking "n motorvoertuig bestuur" alle tydperke wat hy bestuur en alle tyd wat die bestuurder, terwyl hy in beheer van die voertuig is, aan werk in verband met die voertuig of die vraag bestee; (57)

(12) "deeltydse werknemer" 'n versteller, skoonmaker van personeel, klerk of winklassistent wat as sodanig by die week of maand vir hoogstens 25 gewone werkdere in 'n week in diens is; (58)

(13) "demonstrateur-verkoopman" 'n werknemer wat uitsluitlik of hoofsaaklik weg van die bedryfsinrigting van sy werkgewer masjinerie, gereedskap, radio's, koelkaste of ander meganiese toestelle demonstreer, en wat sodanige masjinerie, gereedskap, radio's, koelkaste of ander toestelle mag verkoop; (27)

(14) "demonstrateur-verkoopman, gekwalifiseerd" 'n demonstrateur-verkoopman met minstens vyf jaar ondervinding; (28)

(15) "demonstrateur-verkoopman, ongekwalifiseerd" 'n demonstrateur-verkoopman met minder as vyf jaar ondervinding; (29)

(16) "Distrik A" die gebiede Bethlehem, Bethal, Brits, Despatch, Durbanville, Ermelo, Estcourt, Evander, Grahamstad, Harrismith, Heidelberg (Transvaal), Kroonstad, Kuruman, Ladysmith, Middelburg (Transvaal), Meyerton, Nelspruit, Newcastle, Odendaalsrus, Paarl, Phalaborwa, Pietersburg, Potchefstroom, Potgietersrus, Queenstown, Rustenburg, Somerset-Wes, Standerton, Stellenbosch, Strand, Uitenhage, Virginia, Volksrust, Vryheid, Warmbad, Witbank, Witrivier en Worcester, soos in klousule 1 beskryf; (30)

(17) "Distrik B" die gebiede Aliwal-Noord, Barberton, Beaufort-Wes, Burgersdorp, Caledon, Ceres, Cradock, De Aar, Dundee, Ficksburg, George, Glencoe, Gordonsbaai, Graaff-Reinet, Groblersdal, Heilbron, Hermanus, King William's Town, Knysna, Kokstad, Kuilsrivier, Ladybrand, Lichtenburg, Louis Trichardt, Lydenburg, Mafeking, Malmesbury, Middelburg (K.P.), Montagu, Mosselbaai, Nylstroom, Oudtshoorn, Parys, Piet Retief, Rensburg, Riversdal, Robertson, Senekal, Swellendam, Tzaneen, Upington, Vryburg, Wellington, Wolmaransstad en Zeerust, soos in klousule 1 beskryf; (31)

(18) "Distrik C" die gebiede Christiana, Kraaifontein, Margate, Port Shepstone, Schweizer-Reneke, Scottburgh, Somerset-Oos en Waterval-Boven, soos in klousule 1 beskryf; (32)

(19) "Eethuishouerbedryf" die bedryf waarin werkgewers en werknemers met mekaar geassosieer is met die doel om die bedryf te beoefen ten opsigte waarvan die lisensie gespesifiseer in item 9 van Deel I van die Tweede Bylae van die Wet op Lisensies, 1962 (Wet 44 van 1962), gehou moet word en omvat dit alle werksaamhede wat daarmee in verband staan of daaruit voortspruit; (34)

(20) "Gebied A" die gebiede Durbanville, Kraaifontein, Kuilsrivier, Paarl, Somerset-Wes, Stellenbosch, Strand, Uitenhage, Wellington, en Worcester soos in klousule 1 beskryf; (4)

(21) "Gebied B" die gebiede Despatch, Gordonsbaai, Hermanus, Kroonstad, Malmesbury, Meyerton, Odendaalsrus, Potchefstroom, Virginia, en Witbank soos in klousule 1 beskryf; (5)

(22) "Gebied C" die gebiede Caledon, Ceres, Ermelo, Evander, George, Heidelberg (Transvaal), Knysna, Middelburg (Transvaal), Montagu, Mosselbaai, Nelspruit, Oudtshoorn, Rensburg, Riversdal, Robertson, Swellendam, Upington en Vryburg soos in klousule 1 beskryf; (6)

(23) "Gebied D" die gebiede Beaufort-Wes, Bethal, Bethlehem, Brits, Cradock, De Aar, Estcourt, Graaff-Reinet, Grahamstad, Harrismith, King William's Town, Ladysmith, Lichtenburg, Mafeking, Middelburg (K.P.), Newcastle, Phalaborwa, Parys, Pietersburg, Queenstown, Rustenburg, Standerton, Volksrust en Vryheid, soos in klousule 1 beskryf; (7)

(24) "Gebied E" die gebiede Aliwal-Noord, Barberton, Burgersdorp, Dundee, Ficksburg, Glencoe, Kokstad, Kuruman, Lydenburg, Nylstroom, Potgietersrus, Senekal, Somerset-Oos en Tzaneen, soos in klousule 1 beskryf; (8)

(25) "Gebied F" die gebiede Christiana, Groblersdal, Heilbron, Ladybrand, Louis Trichardt, Margate, Piet Retief, Port Shepstone, Schweizer-Reneke, Scottburgh, Warmbad, Waterval-Boven, Witrivier, Wolmaransstad en Zeerust, soos in klousule 1 beskryf; (9)

(26) "handelsreisiger" 'n werknemer, uitgesonderd 'n buitewinklassistent of 'n versorger-bestellingsnemer, wat as 'n reisende verteenwoordiger van 'n bedryfsinrigting namens so 'n inrigting bestellings vra, werf of soek en wat geld mag invorder; (80)

(27) "handelsreisiger, gekwalifiseerd" 'n handelsreisiger met minstens vier jaar ondervinding; (81)

(28) "handelsreisiger, ongekwalifiseerd" 'n handelsreisiger met minder as vier jaar ondervinding; (82)

specified in the undermentioned items of Part I of the Second Schedule to the Licences Act, 1962 (Act 44 of 1962), are required to be held—

(i) Item 10—Fresh Produce Dealer;

(ii) Item 11—General Dealer, and

(bb) to a manufacturer's representative through whose activities goods of a manufacturer are sold or distributed or sold and distributed;

(b) the sale or distribution or the sale and distribution of the products of a bakehouse from the premises thereof;

(c) the sale or distribution or the sale and distribution of stone, gravel, sand, road material or other similar products; or

(d) the business of a quarry master;

(ii) the business carried on under a wine and malt liquor licence or under the off-consumption privileges of a hotel liquor licence;

(iii) the Catering Trade;

(iv) the Coal Trade;

(v) the Dairy Trade;

(vi) the Eating-house Keeper Trade;

(vii) the Liquid Fuel and Oil Trade;

(viii) the Meat Trade;

(ix) the Motor Garage Trade;

(x) the Newspaper Publishing Trade and Newspaper and Magazine Distributing Trade;

(xi) the Timber Trade; (37)

(22) "commission work" means any system under which a traveller's remuneration is based on the value or number of orders submitted by him to, and accepted by, his employer; (38)

(23) "dairy produce" means, without limiting the ordinary meaning of the term, cream, butter, cheese, buttermilk, skimmed milk, separated milk, cultured milk, sour milk, eggs, honey and ice-cream; (58)

(24) "Dairy Trade" means the trade in which employers and employees are associated for the sale or distribution or the sale and distribution of—

(a) whole milk; and

(b) any or all of the articles included in the definition of dairy produce if such sale or distribution or sale and distribution is in association with the sale or distribution or sale and distribution of whole milk;

and further includes all work incidental thereto; (57)

(25) "delivery employee, Grade A" means an employee who is engaged in delivering or conveying letters, messages or goods by means of a motor-driven or assisted bicycle with an engine of a capacity not exceeding 50 cc; (1)

(26) "delivery employee, Grade B" means an employee who is engaged in delivering or conveying letters, messages or goods on foot or by means of a bicycle, tricycle or other hand or foot propelled vehicle; (2)

(27) "demonstrator-salesman" means an employee who is wholly or mainly engaged away from his employer's establishment in demonstrating machinery, implements, radios, refrigerators or other mechanical appliances, and who may sell such machinery, implements, radios, refrigerators or other appliances; (13)

(28) "demonstrator-salesman, qualified" means a demonstrator-salesman who has had not less than five years' experience; (14)

(29) "demonstrator-salesman, unqualified" means a demonstrator-salesman who has had less than five years' experience; (15)

(30) "District A" means the areas of Bethlehem, Evander, Bethal, Brits, Despatch, Durbanville, Ermelo, Estcourt, Grahams-town, Harrismith, Heidelberg (Transvaal), Kroonstad, Kuruman, Ladysmith, Middelburg (Transvaal), Meyerton, Nelspruit, Newcastle, Odendaalsrus, Paarl, Phalaborwa, Pietersburg, Potchefstroom, Potgietersrus, Queenstown, Rustenburg, Somerset West, Standerton, Stellenbosch, Strand, Uitenhage, Virginia, Volksrust, Vryheid, Warm Baths, White River, Witbank and Worcester as described in clause 1; (16)

(31) "District B" means the areas of Aliwal North, Barberton, Beaufort West, Burgersdorp, Caledon, Ceres, Cradock, De Aar, Dundee, Ficksburg, George, Glencoe, Gordon's Bay, Graaff-Reinet, Groblersdal, Heilbron, Hermanus, King William's Town, Knysna, Kokstad, Kuils River, Ladybrand, Lichtenburg, Louis Trichardt, Lydenburg, Mafeking, Malmesbury, Middelburg (Cape), Montagu, Mossel Bay, Nylstroom, Oudtshoorn, Parys, Piet Retief, Rensburg, Riversdale, Robertson, Senekal, Swellendam, Tzaneen, Upington, Vryburg, Wellington, Wolmaransstad and Zeerust as described in clause 1; (17)

(32) "District C" means the areas of Christiana, Kraaifontein, Margate, Port Shepstone, Schweizer-Reneke, Scottburgh, Somerset East and Waterval-Boven as described in clause 1; (18)

(29) "handelsreisiger se assistent" 'n werknemer wat 'n handelsreisiger vergesel en hom help met die inpak, uitpak of vertoon van sy monsters, en wat die motorvoertuig mag bestuur wat die handelsreisiger in die uitvoering van sy werk gebruik; (83)

(30) "hyserbediende" 'n werknemer wat 'n passasiershyser bedien; (42)

(31) "klerk" 'n werknemer wat skryf-, tik- of enige ander soort klerklike werk verrig en omvat dit ook 'n kassier, 'n telefoonskakelbordoperateur en 'n bediener van 'n optel-, reken- of ponskaartmasjien maar geen ander klas werknemer wat elders in hierdie klousule omskryf word nie, al maak klerklike werk ook deel uit van so 'n werknemer se werk; (14)

(32) "klerk, man, gekwalifiseerd" 'n manlike klerk met minstens vyf jaar ondervinding; (17)

(33) "klerk, man, ongekwalifiseerd" 'n manlike klerk met minder as vyf jaar ondervinding; (18)

(34) "klerk, vrou, gekwalifiseerd" 'n vroulike klerk met minstens vier jaar ondervinding; (15)

(35) "klerk, vrou, ongekwalifiseerd" 'n vroulike klerk met minder as vier jaar ondervinding; (16)

(36) "Koerantuitgewersbedryf en Koerant- en Tydskrifverspreidingsbedryf" die bedryf waarin werkgewers en werknemers met mekaar geassosieer is met die doel om—

(i) die bedryf te beoefen ten opsigte waarvan die lisensie gespesifiseer in item 5 van die Eerste Bylae van die Wet op Lisensies, 1962 (Wet 44 van 1962), gehou moet word; of

(ii) koerante en tydskrifte of koerante of tydskrifte te versprei;

en omvat alle werksaamhede wat daarmee in verband staan maar omvat nie aktiwiteite wat met die druk van sodanige koerante of tydskrifte in verband staan nie; (54)

(37) "Kommersiële Distribusiebedryf" die bedryf waarin werkgewers en werknemers met mekaar geassosieer is met die doel om 'n winkel te dryf en omvat dit alle werksaamhede wat daarmee gepaard gaan wat deur sodanige werkgewers en hul werknemers verrig word, maar omvat dit nie die volgende nie:

(i) Daardie gedeelte van die bedryf waarin die volgende uitgeoefen word:

(a) Die verkoop of verspreiding of verkoop en verspreiding deur vervaardigers (met inbegrip van graanmeulenaars) van die goedere wat hulle vervaardig: Met dien verstande dat hierdie uitsluiting nie van toepassing is nie—

(aa) ten opsigte van die verkoop of verspreiding of verkoop en verspreiding van goedere vanuit persele weg van die fabriekpersele geleë en ten opsigte waarvan een of albei van die lisensies gespesifiseer in onderstaande items van Deel I van die Tweede Bylae van die Wet op Lisensies, 1962 (Wet 44 van 1962), gehou moet word—

(i) Item 10.—Handelaar in Vars Produkte;

(ii) Item 11.—Algemene Handelaar; en

(bb) op 'n vervaardigersvertegenwoordiger deur wie se aktiwiteite goedere van 'n vervaardiger verkoop of versprei of verkoop en versprei word;

(b) die verkoop of verspreiding of verkoop en verspreiding van die produkte van 'n bakkerij vanuit die perseel daarvan;

(c) die verkoop of verspreiding of verkoop en verspreiding van klip, gruis, sand, padmateriaal of ander soortgelyke produkte; of

(d) die besigheid van 'n steengroefbaas;

(ii) die besigheid wat kragtens 'n wyn- en bierlisensie of die buiteverbruikvoorregte van 'n hoteldranklisensie gedryf word;

(iii) die Verversingsbedryf;

(iv) die Steenkoolbedryf;

(v) die Suiwelbedryf;

(vi) die Eethuishouerbedryf;

(vii) die Vloeibare Brandstof- en Oliebedryf;

(viii) die Vleisbedryf;

(ix) die Motorgaragebedryf;

(x) die Koerantuitgewersbedryf en Koerant- en Tydskrif verspreidingsbedryf;

(xi) die Timmerhoutbedryf; (21)

(38) "Kommissiewerk" 'n stelsel waarvolgens 'n handelsreisiger se besoldiging bereken word volgens die getal of waarde van die bestellings wat hy aan sy werkgewer voorleë en wat laasgenoemde aanvaar; (22)

(39) "lewende hawe" enige bul, os, koei, vers, jong os, tollie, kalf, skaap, lam, bok, vark, perd, donkie, wildsbok of enige ander viervoetige dier bedoel vir menslike verbruik, en sluit pluimvee in; (44)

(33) "driver of a motor vehicle" means an employee who is engaged in driving a motor vehicle, and for the purpose of this definition the expression "driving a motor vehicle" includes all periods of driving and any time spent by the driver on work connected with the motor vehicle or the load and all periods during which he is obliged to remain at his post in readiness to drive; (8)

(34) "Eating-house Keeper Trade" means the trade in which employers and employees are associated for the purpose of carrying on the trade in respect of which the licence specified in item 9 of Part I of the Second Schedule to the Licences Act, 1962 (Act 44 of 1962), is required to be held and includes all activities incidental thereto or consequent thereon; (19)

(35) "emergency work" means—

(a) any work which, owing to unforeseen circumstances such as fire, storm, accident, epidemic, act of violence, theft or a breakdown of plant, motor vehicles or machinery, must be done without delay;

(b) any work in connection with the loading or unloading of—
(i) trucks or vehicles of the South African Railways and Harbours; or

(ii) vehicles used by a cartage contractor in the fulfilment of his contract as such with the South African Railways and Harbours; or

(c) any work in connection with the guarding of premises or property for security reasons during building operations or structural alterations; (46)

(36) "establishment" means any premises in or in connection with which one or more employees are employed in the Commercial Distributive Trade; (6)

(37) "experience" means in relation to—

(a) an alteration hand, the total period or periods of employment which an employee has had in any trade as an alteration hand, dressmaker, tailor or invisible mender;

(b) a clerk, the total period or periods of employment which an employee has had as a clerk in any trade or in the service of the State;

(c) a service supply salesman or a traveller, the total period or periods of employment which an employee has had in any trade as a service supply salesman or a traveller, respectively;

(d) any other class of employee, the total period or periods of employment which an employee has had in his class in the Commercial Distributive Trade;

and includes in the case of an employee of any of the classes referred to in (a) to (d), who as an employer performed the work of such class, the total period or periods during which such employee as an employer performed the work of such class: Provided that—

(i) any period or periods of employment which an employee has had as a supervisor shall be deemed as employment as a shop assistant;

(ii) for the purpose of this definition only half of the period or periods of employment which an employee has had as a part time employee in any class shall be reckoned as employment in that class;

(iii) for the purpose of this definition the expression "employment" shall be deemed to include any period in respect of which an employer or an employee, in terms of clause 12, pays an employee or an employer, as the case may be, in lieu of notice and also any period or periods during which an employee is absent—

(a) on leave in terms of clause 6;

(b) on sick leave in terms of clause 7;

(c) on the instructions or at the request of his employer;

(d) with the consent or condonation of his employer;

(e) for any other reason not being in breach of the contract of employment;

(f) undergoing military training in pursuance of the Defence Act, 1957;

amounting in the aggregate in any period of 12 months to not more than 10 weeks in respect of items (a), (b), (c), (d) and (e), plus up to four months of any military training undergone in that period of 12 months; (48)

(38) "general worker" means an employee who is engaged in any one or more of the following activities or capacities:

(a) Affixing postage stamps on letters, parcels or other articles for posting or using a manually operated franking machine;

(b) affixing printed or ready addressed labels on to bottles, bales, boxes or other packages;

(40) "loon" die bedrag wat ingevolge klousule 3 (1) aan 'n werknemer betaalbaar is ten opsigte van sy gewone werkure soos by klousule 5 voorgeskryf: Met dien verstande—

(i) dat, as 'n werkgewer 'n werknemer ten opsigte van sodanige gewone werkure gereeld 'n hoër bedrag betaal as dié in klousule 3 (1) voorgeskryf, dit sodanige hoër bedrag beteken; (ii) dat die eerste voorbehoudsbepaling nie so uitgelê mag word nie dat dit besoldiging bedoel of omvat wat 'n werknemer wat in diens is op enige grondslag waarvoor daar in klousule 9 voorsiening gemaak word, ontvang bo en behalwe die bedrag wat hy sou ontvang het as hy nie op sodanige grondslag in diens was nie; (86)

(41) "los werknemer" 'n werknemer wat hoogstens drie dae in 'n week by dieselfde werkgewer in diens is, behalwe in 'n week waarin die einde van 'n maand op 'n werkdag val, in welke geval so 'n werknemer in daardie week vir dieselfde werkgewer vir soveel as drie dae tot en met die laaste dag van daardie maand en vir soveel as drie dae in die volgende maand kan werk, maar so dat sodanige werknemer nie meer as vyf dae in sodanige week vir dieselfde werkgewer werk nie; (11)

(42) "maandelike werknemer" 'n werknemer wat by die maand besoldig word; (51)

(43) "Mineraalwaternywerheid" die nywerheid waarin werknemers en werkgewers met mekaar geassosieer is met die doel om een of meer van die volgende werksaamhede te verrig, naamlik, die vervaardiging, voorbereiding of bottel van—

(a) mineraal-, koolsuur- of spuitwater, gemmerbier, hobbier, nie-alkoholiese vrugtestrope, geurstrope, nie-gegistde drankke of ander soortgelyke drankke;

(b) vrugte- of groentekwasse, -konsentrate of -sappe;

en omvat dit—

(i) die aflewering, distribusie of verkoop vanuit enige perseel van watter aard ook al, van enigeen van meer van genoemde produkte indien sodanige aflewering, distribusie of verkoop onderneem word deur dieselfde werkgewer wat sodanige produkte vervaardig, berei of gebottel het; en

(ii) alle werksaamhede wat met enigeen van voornoemde bedrywighede in verband staan of daaruit voortspruit;

maar dit omvat nie die werksaamhede van werkgewers en werknemers wat verrig word in persele waarin vrugte- of groentekwasse, -konsentrate of -sappe vervaardig, berei gebottel, afgelewer, gedistribueer of verkoop word nie indien sodanige werkgewers en werknemers ten opsigte van enigeen van sodanige werksaamhede onderworpe is aan die bepalings van Loonvasstelling No. 179 vir die Vrugte- en Groente-inmaaknywerheid, Republiek van Suid-Afrika, gepubliseer by Goewermentskennissgewing 1663 van 7 November 1958; (49)

(44) "Motorgaragebedryf" die besigheid wat beoefen word deur 'n werkgewer in 'n winkel—

(a) ten opsigte waarvan daar van hom vereis word om 'n motorgaragelisenie ingevolge item 15 van Deel I van die Tweede Bylae van die Wet op Lisensies, 1962 (Wet 44 van 1962), te hou, of 'n algemene handelaarslisenie ingevolge item 11 van Deel I van die Tweede Bylae van gemelde Wet te hou, en waarin die werkgewer uitsluitlik of hoofsaaklik een of meer van of al die volgende artikels of ware verkoop, naamlik motorvoertuie, bybehore vir motorvoertuie, onderdele of reserwedele vir motorvoertuie, of dit nuut is of nie, of petrol of olie;

(b) wat uitsluitlik of hoofsaaklik gebruik word vir die kleinhandelverkope van petrol en olie of albei;

(c) waarin of waaruit hy gebruike reserwedele verkoop wat verkry is van gebruike voertuie wat hy uitmekaar gehaal het, afgesien daarvan of sulke gebruike reserwedele alleen verkoop word of saam met nuwe reserwedele of bybehore; (52)

(45) "motorvoertuig" uitgesonderd in die woordskrywing van "chauffeur" en "handelsreisiger se assistent", enige kragaangedrewe voertuig met 'n masjienvermoë van meer as 50 c.c. wat gebruik word vir die vervoer van goedere en omvat dit ook 'n voorhaker maar nie 'n mobiele hystoestel nie; (53)

(46) "noodwerk" enige werk wat weens onvoorsiene omstandighede soos 'n brand, storm, ongeluk, epidemie, gewelddaad, diefstal, of 'n onklaarraking van installasie, motorvoertuie of masjinerie sonder versuim gedoen word;

(47) "onbelaste gewig" die gewig van 'n motorvoertuig of sleepwa soos aangegee in 'n lisensie of sertifikaat wat ten opsigte van so 'n motorvoertuig of sleepwa uitgereik is deur 'n owerheid wat by wet gemagtig is om lisensies ten opsigte van motorvoertuie uit te reik: Met dien verstande dat, in die geval van 'n twee- of drie-wielige motorfiets, bromponie of bromfiets of trapfiets met hulpmotor waarvan die enjinvermoë hoogstens 50 c.c. is, die onbelaste gewig geag word hoogstens 1,000 lb te wees; (85)

(48) "ondervinding" met betrekking tot—

(a) 'n versteller, die totale tydperk of tydperke wat 'n werknemer as 'n versteller, kleremaakster, kleremaker of fynstopper in enige bedryf werksaam was;

(c) assembling boxes from shooks by hand;

(d) assisting on delivery vehicles;

(e) breaking up scrap metal, including cutting scrap metal by any means;

(f) carrying, moving or stacking goods, other than by mobile hoist, or unpacking goods;

(g) changing wheels or repairing punctures;

(h) cleaning premises or vehicles, furniture, utensils, filter presses, machinery, implements, tools or other articles, on his employer's premises;

(i) cleaning or plucking poultry or cleaning fruit or vegetables;

(j) cleaning, scaling, filleting, cutting or slicing fish;

(k) collecting cash in the case of C.O.D. sales or accepting written orders;

(l) cutting, by hand to predetermined mark in relation to goods sold in the establishment, paper, samples, linoleum, curtain rods, netting wire, wire or other articles or commodities;

(m) delivery employee, Grade B;

(n) feeding into or drawing off from vats, tanks or other containers;

(o) feeding or taking off from automatic or semi-automatic machines, moving belt or platform;

(p) filling, capping, corking or labelling bottles or other containers by hand or non-powerdriven machine;

(q) folding or enveloping mail;

(r) grading eggs according to size;

(s) guarding movable property during the business hours of an establishment;

(t) loading or unloading vehicles;

(u) making or maintaining fires or removing refuse or ashes;

(v) making tea or similar beverages for, or serving tea or similar beverages to, employees or his employer or guests;

(w) marking, branding or stencilling bales, tins, boxes or other packages by hand;

(x) melting scrap lead;

(y) mending bags or sacks by hand;

(z) mixing previously weighed or otherwise determined ingredients of animal or poultry foods by hand;

(aa) nailing boxes by hand or repairing boxes or crates;

(ab) oiling or greasing machinery or vehicles, other than motor vehicles;

(ac) opening or closing doors or windows or bags, bales, boxes or other packages;

(ad) operating a goods lift or hoist, other than a mobile hoist;

(ae) packing articles of uniform size and number into containers specially designed to contain such articles, or packing articles or specific groups of articles into containers specially designed to contain such articles or groups of articles, or packing articles into open containers for local delivery, or packing fish;

(af) repetition weighing to predetermined weight or repetition measuring to predetermined measure;

(ag) setting-up or dismantling, by hand, corrugated or fibre board boxes or similar containers;

(ah) sorting empty bags, bottles or other containers;

(ai) sorting packages, parcels or stencils or wrapping parcels;

(aj) strapping or wiring boxes;

(ak) tending, cleaning, feeding, harnessing or unharnessing animals;

(al) using rubber or other stamps, involving no discretion;

(am) washing overalls, uniforms or protective clothing; (3)

(39) "Grade I employee" means an employee who is engaged in any one or more of the following activities or capacities:

(a) Cask testing;

(b) driving, only, hoops on to casks;

(c) entering tanks or vats to clean them;

(d) lift attendant;

(e) mending or altering, by hand or machine, second-hand clothing for sale;

(f) mobile hoist operator;

(g) operating a portable pump;

(h) operating any power driven machine not specifically otherwise mentioned in this clause;

(i) pulp filter attendant.

(j) repetitive marking of uniform prices on goods by means of a rubber stamp or other marking device, under supervision;

(k) sighting or light testing in the bottling of liquor;

(l) shortening hoops; (77)

(40) "Grade II employee" means an employee who is engaged in any one or more of the following activities or capacities:

(a) Addressograph operator;

(b) delivery employee, Grade A;

(c) driver of an animal drawn vehicle;

(d) duplicating machine operator;

(e) packer;

(f) watchman;

(b) 'n klerk, die totale tydperk of tydperke wat 'n werknemer as 'n klerk in enige bedryf of in die diens van die Staat werkzaam was;

(c) 'n versorger-bestellingnemer of 'n handelsreisiger, die totale tydperk of tydperke wat 'n werknemer onderskeidelik as versorger-bestellingnemer of as handelsreisiger in enige bedryf werkzaam was;

(d) alle ander klasse werknemers, die totale tydperk of tydperke wat 'n werknemer in sy klas in die Kommersiële Distribusiebedryf werkzaam was;

en omvat dit ook in die geval van 'n werknemer in enigeen van die klasse in (a) tot (d) genoem, wat as 'n werkgewer die werk van sodanige klas verrig het, die totale tydperk of tydperke waarin sodanige werknemer as 'n werkgewer die werk van sodanige klas verrig het: Met dien verstande—

(i) dat enige tydperk of tydperke wat 'n werknemer as 'n toesighouer werkzaam was, as diens as 'n winkelasistent geag word;

(ii) dat by die toepassing van hierdie omskrywing slegs die helfte van die tydperk of tydperke wat 'n werknemer as 'n deeltydse werknemer in enige klas werkzaam was, as diens in daardie klas gereken word;

(iii) dat by die toepassing van hierdie woordomskrywing die uitdrukking "werkzaam was" geag word alle tydperke in te sluit ten opsigte waarvan 'n werkgewer 'n werknemer of 'n werknemer 'n werkgewer, na gelang van die geval, ingevolge kousule 12 betaal in plaas van kennis te gee en ook enige tydperk of tydperke waarin 'n werknemer afwesig is—

(a) met verlof ingevolge kousule 6;

(b) met siekteverlof ingevolge kousule 7;

(c) op las of op versoek van sy werkgewer;

(d) met die toestemming of kondonering van sy werkgewer;

(e) om enige ander rede wat nie 'n verbrekking van die dienskontrak meebring nie;

(f) terwyl hy militêre opleiding ingevolge die Verdedigingswet, 1957, ondergaan;

en wat in enige tydperk van 12 maande altesaam hoogstens 10 weke ten opsigte van items (a), (b), (c), (d) en (e) beloop, plus hoogstens vier maande militêre opleiding wat gedurende daardie tydperk van 12 maande ondergaan is; (37)

(49) "pakhuisassistent" 'n werknemer wat onder die toesig van en behoudens die nagaan daarvan deur 'n winkelasistent, voorrade aanvul en merk of goedere versamel of versend, en wat goedere vir versending of aflewering kan verpak of weeg of pakke merk of adresseer of goedere ontvang wat by die bedryfs-irigting afgelewer word, en by die toepassing van hierdie woordomskrywing beteken die uitdrukking "goedere versamel" om goedere ooreenkomstig 'n skriftelike bestelling, lys of opdrag by een te bring en kan dit die gee van mondelinge bevels aan 'n algemene werker om sulke goedere te gaan haal, te dra, te laai of op te stapel, insluit; (72)

(50) "pakhuisassistent, gekwalifiseerd" 'n pakhuisassistent met minstens 12 maande ondervinding; (73)

(51) "pakhuisassistent, ongekwalifiseerd" 'n pakhuisassistent met minder as 12 maande ondervinding; (74)

(52) "pakhuisman" 'n werknemer wat in bevel is van die pakhuisafdeling en wat verantwoordelik is vir die ontvangs, opberging, bymekaarmaak, verpakking of uitpak van goedere in 'n pakhuis of magasyn en vir aflewering van goedere uit 'n pakhuis of magasyn aan afdelings of vir versending; (75)

(53) "sleepwa" enige vervoermiddel wat deur 'n motorvoertuig getrek word; (79)

(54) "steenkool" ook kooks en houtskool; (19)

(55) "steenkoolbedryf" die bedryf waarin werkgewers en werknemers met mekaar geassosieer is vir die verkoop, verspreiding en voorbereiding vir verkoop van steenkool of brandhout of albei, of vir een of meer van hierdie werksaamhede; (20)

(56) "stukwerk" 'n stelsel waarvolgens 'n werknemer se besoldiging gegrond word op die hoeveelheid werk wat verrig is; (59)

(57) "Suiwelbedryf" die bedryf waarin werkgewers en werknemers met mekaar geassosieer is vir die verkoop of verspreiding of verkoop en verspreiding van—

(a) volmelk; en

(b) enigeen of al die artikels wat in die omskrywing van suiwelprodukte ingesluit is, indien die verkoop of verspreiding of verkoop en verspreiding saam met die verkoop of verspreiding of verkoop en verspreiding van volmelk geskied;

en verder omvat dit alle werk wat daarmee in verband staan; (24)

(58) "suiwelprodukte" sonder om die gewone betekenis van die uitdrukking te beperk, room, botter, kaas, karringmelk, afgeroomde melk, afgeskeide melk, plantjiesmelk, suurmilk, eiers, heuning en roomys; (23)

(g) weighing up for stock, other than a general worker; (78)

(41) "law" includes the common law; (79)

(42) "lift attendant" means an employee who is engaged in operating a passenger lift; (30)

(43) "Liquid Fuel and Oil Trade" means the trade in which employers and employees are associated for the purpose of receiving, packing, filling, storing, delivering, distributing or selling by wholesale or in bulk, as the case may be, of—

(a) any form of liquid fuel used for the purpose of driving internal combustion engines;

(b) any form of lubricating oil or grease;

(c) any form of oil, grease or product derived from oil if distributed by an employer engaged in (a),

and includes all operations incidental to or consequent on any of the aforesaid activities but does not include any of the activities specified if carried on on the same premises by an employer in conjunction with some other trade or trades in which his employees on such premises, taken collectively, are mainly engaged; (74)

(44) "livestock" means any bull, bullock, cow, heifer, steer, tollie, calf, sheep, lamb, goat, pig, horse, donkey, game or other quadruped intended for human consumption and includes poultry; (39)

(45) "manager" means an employee who is charged by his employer with the overall—

(a) supervision over;

(b) responsibility for; and

(c) direction of;

the activities of an establishment and the employees engaged therein; (7)

(46) "manufacturer's representative" means any person, other than an employee of a manufacturer, who as the agent of, or otherwise on behalf of, a manufacturer—

(a) stores, displays or keeps for sale, goods manufactured by the manufacturer, or stores, displays or keeps samples of such goods;

(b) obtains or receives, in any manner whatsoever, orders from persons for the purchase by them of the manufacturer's goods;

(c) executes the orders referred to in paragraph (b) or transmits such orders to the manufacturer for acceptance or otherwise; (70)

(47) "meat" means meat intended for human consumption and includes game, horse meat, donkey meat, rabbit meat and poultry; (72)

(48) "Meat Trade" means—

(a) the slaughtering of livestock;

(b) the handling, preparation, preservation, sale or distribution of meat by any person who, in accordance with a proclamation published in terms of section 22 of the Marketing Act, 1937 (Act 26 of 1937), is required to be registered with the Livestock and Meat Industries Control Board or who is required to hold a wholesale or retail butcher's licence in terms of item 6 of Part I of the Second Schedule to the Licences Act, 1962 (Act 44 of 1962);

and includes all operations incidental to or consequent on any of the aforesaid activities; (73)

(49) "Mineral Water Manufacturing Industry" means the industry in which employers and employees are associated for the purpose of carrying on any one or more of the following activities, namely, manufacturing, preparing or bottling—

(a) mineral, carbonated or aerated water, gingerbeer, hop-beer, non-alcoholic cordials, flavour syrups, unfermented drinks or other similar beverages;

(b) fruit or vegetable squashes, concentrates or juices;

and includes—

(i) the delivery, distribution or sale from any premises whatsoever of any one or more of the said products if such delivery, distribution or sale is carried on by the same employer who manufactured, prepared or bottled such products; and

(ii) all operations incidental to or consequent on any of the aforesaid activities;

but does not include the activities of employers and employees carried on in premises in which fruit or vegetable squashes, concentrates or juices are manufactured, prepared, bottled, delivered, distributed or sold if such employers and employees are subject in respect of any such activities to the provisions of Wage Determination 179 for the Fruit and Vegetable Canning Industry, Republic of South Africa, published under Government Notice 1663, dated 7 November 1958; (43)

(59) "Timmerhoutbedryf" die bedryf waarin werkgewers en werknemers met mekaar geassosieer is vir een of meer van of vir al die volgende doeleindes, naamlik die verkoop verspreiding en voorbereiding vir verkoop van een of meer van al die volgende artikels, naamlik timmerhout, hout of afvalprodukte van die bewerking van timmerhout of hout, of albei; (78)

(60) "toesighouer" 'n werknemer wat toesighoudende beheer uitoefen oor minstens ses winklassistente en wat verantwoordelik is daarvoor dat hulle hul pligte behoorlik nakom; (77)

(61) "uniform" 'n kledingstuk of kledingstukke van bepaalde kleur of ontwerp; (84)

(62) "verblyftoelae" 'n toelae wat bedoel is om die addisionele lewenskoste te bestry wat 'n werknemer vanweë sy afwesigheid van sy huis of woonplek aangaan; (76)

(63) "verpakker" 'n werknemer wat goedere vir vervoer of aflewering verpak, uitgesonderd die verpakking in die woordomskrywing van "algemene werker" vermeld; (56)

(64) "versorger-bestellingnemer" 'n werknemer wat uitsluitlik of hoofsaaklik gereedskap, masjinerie, uitrusting of toestelle van sy werkgewer se klante olie, smeer, skoonmaak of stel, en wat daarbenewens—

(a) bestellings kan neem vir die verskaffing van sodanige gereedskap, masjinerie, uitrusting of toestelle of bybehore of materiaal wat gebruik word in verband met sodanige gereedskap, masjinerie, uitrusting of toestelle;

(b) sodanige gereedskap, masjinerie, uitrusting of toestelle op die klant se perseel kan heelmaak; of

(c) geld kan invorder; (60)

(65) "versorger-bestellingnemer, gekwalifiseerd" 'n versorger-bestellingnemer met minstens vier jaar ondervinding; (61)

(66) "versorger-bestellingnemer, ongekwalifiseerd" 'n versorger-bestellingnemer met minder as vier jaar ondervinding; (62)

(67) "versteller" 'n werknemer wat enige mans-, vroue- of kinderkledingstukke, uitgesonderd gebruikte kledingstukke, verstel of heelmaak as deel van die verkoop van sodanige artikels vanuit 'n bedryfsinrigting; (1)

(68) "versteller, gekwalifiseerd" 'n versteller met minstens vier jaar ondervinding; (2)

(69) "versteller, ongekwalifiseerd" 'n versteller met minder as vier jaar ondervinding; (3)

(70) "vervaardigersverteenvoerder" enige persoon, behalwe 'n werknemer van 'n vervaardiger, wat as die agent van, of andersins namens 'n vervaardiger—

(a) goedere wat deur die vervaardiger vervaardig is, bêre, uitstal of hou vir verkoop, of monsters van sodanige goedere bêre, uitstal of hou;

(b) op enige wyse hoe ook al bestellings van persone verkry of ontvang vir die koop deur hulle van die vervaardiger se goedere;

(c) die bestellings genoem in paragraaf (b) uitvoer, of sodanige bestellings aan die vervaardiger oordra vir aanname of andersins; (46).

(71) "Verversingsbedryf" die bedryf waarin werkgewers en werknemers met mekaar geassosieer is met die doel om uitsluitlik of hoofsaaklik etes of verversings (hetsy in die vorm van vloei-stowwe of in ander vorms) of beide sodanige etes en verversings te berei in of dit te bedien in of vanuit enige bedryfsinrigting of gedeelte daarvan, hetsy permanent, tydelik, binnens- of buitenshuis en dit sluit sodanige bedrywighede in wanneer uitgeoefen in of vanuit een of meer klasse persele of gedeeltes daarvan—

(a) wat as openbare restaurants, kafees of teekamers gebruik word;

(b) waar etes of nie-alkoholiese drankie of beide sodanige etes en drankie bedien word;

(c) waar spuit- of mineraalwaterdranke in drinkglase of ander houers vir gebruik op die perseel verskaf word;

(d) waar bogenoemde bedrywighede uitgeoefen word in of in verband met enige teater, bioskoop, bioskoop-teekamer of ander onthaal of funksie;

en sluit ook in die verskaffing van alkoholiese drank in al sulke bedryfsinrigtings of op al sulke persele ooreenkomstig 'n drank-lisensie wat ingevolge die Drankwet, 1928, deur sulke werkgewers gehou word, maar dit sluit nie hotelle, bedryfsinrigtings wat uitsluitlik kragtens 'n wyn- en bierlisensie handel dryf, losieshuise of persele of gedeeltes van persele waar etes of verversings of beide sodanige etes en verversings verskaf word uitsluitlik of hoofsaaklik vir gebruik weg van die persele in nie; en omvat dit alle werksaamhede wat met engeen van voormelde bedrywighede in verband staan of daaruit voortspuit; (12)

(50) "mobile hoist operator" means an employee who is engaged in operating a mobile power-driven hoist used in the loading, unloading, moving or stacking of goods; (5)

(51) "monthly employee" means an employee who is paid by the month; (42)

(52) "Motor Garage Trade" means the business carried on by an employer in a shop—

(a) in respect of which he is required to hold a motor garage licence under item 15 of Part I of the Second Schedule to the Licences Act, 1962 (Act 44 of 1962), or a general dealer's licence under item 11 of Part I of the Second Schedule to the said Act, and in which business the employer is wholly or mainly engaged in selling one or more or all of the following articles or commodities, namely, motor vehicles, motor vehicle accessories, parts or spares, whether new or not, or petrol or oil;

(b) which is used wholly or mainly for the retail sale of petrol or oil or both;

(c) in which or from which he sells used spare parts obtained from used motor vehicles broken up by him, whether or not such used spare parts are sold alone or in conjunction with new spare parts or accessories; (44)

(53) "motor vehicle", except in the definitions "chauffeur" and "traveller's assistant", means any power-driven vehicle with an engine of a capacity exceeding 50 cc used for conveying goods and includes a mechanical horse but does not include a mobile hoist; (45)

(54) "Newspaper Publishing Trade and Newspaper and Magazine Distributing Trade" means the trade in which employers and employees are associated for the purpose of—

(i) carrying on the trade in respect of which the licence specified in item 5 of the First Schedule to the Licences Act, 1962 (Act 44 of 1962), is required to be held; or

(ii) distributing newspapers and magazines or newspapers or magazines;

and further includes all operations incidental thereto, but it does not include activities connected with the printing of such newspapers or magazines; (36)

(55) "outside shop assistants" means an employee who, for and on behalf of a retail establishment, is engaged, during the ordinary hours of work prescribed for a shop assistant in clause 5, in an office-to-office or private house-to-house round, inviting, soliciting or canvassing orders from persons for the supply of goods for their own use or consumption and who may collect money on behalf of his establishment; (9)

(56) "packer" means an employee who is engaged in packing goods for transport or delivery, other than the packing referred to in the definition "general worker"; (63)

(57) "part-time driver of a motor vehicle" means an employee who is ordinarily engaged on duties other than driving a motor vehicle, but who, on more than two days in any week, is engaged in driving a motor vehicle for not more than three hours in the aggregate on any such day, and for the purpose of this definition the expression "driving a motor vehicle" includes all periods of driving and any time spent by the driver, while in charge of the vehicle, on work connected with the vehicle or the load; (11)

(58) "part-time employee" means an alteration hand, cleaner of premises, clerk or a shop assistant who is employed as such by the week or month for not more than 25 ordinary hours of work in any week; (12)

(59) "piece-work" means any system under which an employee's remuneration is based on the quantity of work done; (56)

(60) "service supply salesman" means an employee who is wholly or mainly engaged in oiling, greasing, cleaning or adjusting implements, machinery, equipment or appliances of his employer's customers, and who may in addition—

(a) take orders for the supply of any such implements, machinery, equipment or appliances or accessories or material for use in connection with such implements, machinery, equipment or appliances;

(b) repair any such implements, machinery, equipment or appliances on the customer's premises; or

(c) collect money; (64)

(61) "service supply salesman, qualified," means a service supply salesman who has had not less than four years' experience; (65)

(72) "vleis" vleis wat vir menslike verbruik bedoel is, en sluit in wilds-, perde-, donkie- en konynvleis, asook pluimvee; (47)

(73) "Vleisbedryf"—

(a) die slag van lewende hawe;

(b) die hantering, voorbereiding, preserving, verkoop of verspreiding van vleis deur enige persoon van wie ooreenkomstig 'n proklamasie gepubliseer ingevolge artikel 22 van die Bemarkingswet, 1937 (Wet 26 van 1937), vereis word om by die Raad van Beheer oor Vee- en Vleisnywerhede geregistreer te wees of van wie die vereis word om 'n groothandel- of kleinhandelagterslisensie ingevolge item 6 van Deel I van die Tweede Bylae van die Wet op Lisensies, 1962 (Wet 44 van 1962), te hou;

en omvat dit alle werksaamhede wat met enigeen van voormelde bedrywighede in verband staan of daaruit voortspruit; (48)

(74) "Vloeibare Brandstof- en Oliebedryf" die bedryf waarin werkgewers en werknemers met mekaar geassosieer is vir die ontvangs, verpakking, vul, opberging, aflewering, verspreiding of verkoop in die groothandel of in grootmaat, na gelang van die geval, van—

(a) enige vorm vloeibare brandstof wat gebruik word vir die aandrywing van binnebrandmotore;

(b) enige vorm van smeerolie of ghries;

(c) enige vorm van olie, ghries of 'n produk wat uit olie verkry word, indien versprei deur 'n werkgewer betrokke by (a);

en omvat dit alle werksaamhede wat met enigeen van voormelde bedrywighede in verband staan of daaruit voortspruit, maar dit omvat nie enigeen van genoemde werksaamhede nie, indien deur 'n werkgewer op dieselfde perseel uitgeoefen saam met enige ander bedryf of bedrywe waarin sy werknemers op sodanige persele, as geheel geneem, hoofsaaklik werksaam is; (43)

(75) "wag" 'n werknemer uitgesonderd 'n algemene werker, wat persele of ander vaste of roerende eiendom bewaak; (87)

(76) "weeklikse werknemer" 'n werknemer wat by die week betaal word; (88)

(77) "werknemer graad I" 'n werknemer wat een of meer van die volgende werksaamhede verrig of in een of meer van die volgende hoedanighede in diens is:

(a) Vate toets;

(b) slegs hoepels om vate sit;

(c) tenks of vate binnegaan om hulle skoon te maak;

(d) hyserbediende;

(e) gebruikte klere met die hand of masjien heelmaak of verstel vir verkoop;

(f) bediener van 'n mobiele hystoestel;

(g) 'n draagbare pomp bedien;

(h) enige kragaangetrewe masjien bedien wat nie andersins spesifiek in hierdie klousule vermeld word nie;

(i) pulpfilterbediener;

(j) onder toesig met 'n rubberstempel of ander toestel een-vormige pryse herhaaldelik op goedere aanbring;

(k) met die oog of met lig toets wanneer drank gebottel word;

(l) hoepels korter maak; (39)

78 "werknemer graad II" 'n werknemer wat een of meer van die volgende werksaamhede verrig of in een of meer van die volgende hoedanighede in diens is:

(a) Adresseermasjienbediener;

(b) afleweringswerknemer, graad A;

(c) drywer van 'n dierevoertuig;

(d) dupliseermasjienbediener;

(e) verpakker;

(f) wag;

(g) vir voorraad afweeg, uitgesonderd 'n algemene werker; (40)

(79) "Wet" ook die gemene reg; (41)

(80) "winkel"—

(a) enige perseel of enige gedeelte van 'n perseel waarheen persone uitgenooi of waarin persone toegelaat word vir die koop, uitgesonderd per openbare veiling, van die goedere wat daarin of daarop vir verkoop uitgestal of aangebied word, of goedere van die soort wat aldus vir verkoop uitgestal of aangebied word;

(b) enige perseel of gedeelte daarvan waarin of vanwaar die goedere genoem in paragraaf (a) gebêre, uit- of ingepak, afgelewer of versend word aan die persone in paragraaf (a) bedoel wat sulke goedere koop;

(c) enige perseel waarin goedere in voorraad gehou word en vanwaar groothandelbestellings uitgevoer word vir die lewering van sulke goedere aan kliente vir herverkoop of andersins;

(d) enige perseel waarin goedere in voorraad gehou word en vanwaar kleinhandelbestellings vir die lewering van sulke goedere uitgevoer word;

(62) "service supply salesman, unqualified," means a service supply salesman who has had less than four years' experience; (66)

(63) "shop" means—

(a) any premises or any portion of any premises to which persons are invited or admitted for the purpose of purchasing, otherwise than by public auction, the goods displayed or offered therein or thereon for sale, or goods of the type so displayed or offered for sale;

(b) any premises or portion thereof in which or from which the goods referred to in paragraph (a) are stored, unpacked or packed, delivered or despatched to persons referred to in paragraph (a) purchasing such goods;

(c) any premises in which goods are stocked and from which wholesale orders are executed for the supply of such goods to customers whether for resale or otherwise;

(d) any premises in which goods are stocked and from which retail orders for the supply of such goods are executed;

(e) any immovable premises in or on which a manufacturer's representative carries on his business as such and in which the goods for sale or samples of such goods are stored, displayed or kept;

but it does not include the business of a hawker or pedlar as carried on by persons who are required to hold a licence in terms of items 12 and 19, respectively, of Part I of the Second Schedule to the Licences Act, 1962 (Act 44 of 1962); (80)

(64) "shop assistant" means an employee who is engaged in any one or more of the following duties, namely:

(a) Attending to customers in an establishment;

(b) displaying goods;

(c) keeping and controlling stock; or

(d) assembling orders;

and who may superwise a shop attendant or a store assistant and includes a displayer or window dresser, an outside shop assistant, a storeman and a ticket writer and it further includes an employee in a self-service establishment who is responsible for the stocking of gondolas and for requisitioning for stocks for such stocking; and for the purpose of this definition the expression—

(i) "displaying goods" does not include the packing, stacking or placing of stocks in gondolas in a self-service establishment;

(ii) "assembling orders" means the bringing together of goods in the execution of a customer's order where this involves a discretion in the selection of the goods according to quality or the customer's description; (81)

(65) "shop assistant, female, qualified," means a female shop assistant who has had not less than four years' experience; (82)

(66) "shop assistant, female, unqualified," means a female shop assistant who has had less than four years' experience; (83)

(67) "shop assistant, male, qualified," means a male shop assistant who has had not less than five years' experience; (84)

(68) "shop assistant, male, unqualified," means a male shop assistant who has had less than five years' experience; (85)

(69) "shop attendant" means an employee who, under the supervision of a qualified male shop assistant or a female shop assistant receiving a wage of not less than that prescribed for a qualified male shop assistant, is engaged in attending exclusively to Bantu customers; (86)

(70) "shop attendant, qualified," means a shop attendant who has had not less than two years' experience; (87)

(71) "shop attendant, unqualified," means a shop attendant who has had less than two years' experience; (88)

(72) "store assistant" means an employee who, under the supervision of and subject to checking by a shop assistant, replenishes and marks stocks or assembles or despatches goods, and who may pack or weigh goods for despatch or delivery or mark or address packages or receive goods on delivery to the establishment, and for the purpose of this definition the expression "assembles goods" means the bringing together of goods in accordance with a written order, list or instruction and may include the giving of verbal orders to a general worker to fetch, carry, load or stack such goods; (49)

(73) "store assistant, qualified," means a store assistant who has had not less than 12 months' experience; (50)

(74) "store assistant, unqualified," means a store assistant who has had less than 12 months' experience; (51)

(75) "storeman" means an employee who is in charge of stores and who is responsible for receiving, storing, assembling, packing or unpacking goods in a store or warehouse and for delivering goods from a store or warehouse to departments or for despatch; (52)

(76) "subsistence allowance" means an allowance which is intended to defray the additional living expenses incurred by an employee by reason of his absence from his home or place of residence; (62)

(77) "supervisor" means an employee who is in supervisory control of at least six shop assistants and who is responsible for the efficient performance by them of their duties; (60)

(e) enige vaste perseel waarin of waarop 'n vervaardigers-verteenvoordiger sy besigheid as sodanig beoefen en waarin die goedere vir verkoop of monsters daarvan gebere, uitgestal of gehou word;

maar dit sluit nie die besigheid van 'n marskramer of venter soos uitgeoefen deur persone van wie vereis word om 'n lisensie ingevolge items 12 en 19, onderskeidelik, van Deel I van die Tweede Bylae van die Wet op Lisensies, 1962 (Wet 44 van 1962), te hou, in nie; (63)

(81) "winkelassistent" 'n werknemer wat een of meer van die volgende pligte vervul, naamlik:

- (a) Klante in 'n bedryfsinrigting bedien;
- (b) goedere uitstal;
- (c) voorraad hou en beheer; of
- (d) bestellings opmaak;

en wat toesig mag hou oor 'n winkelhulp of 'n pakhuisassistent, en omvat dit 'n uitstaller of etaleur, 'n buitewinkelassistent, 'n pakhuisman en 'n kaartjieskrywer, en dit sluit voorts in 'n werknemer in 'n selfbedieningsbedryfsinrigting wat verantwoordelik is vir die aanvaar en plasing van voorrade in eilandrakke ("gondolas"); en by die toepassing van hierdie woordomskriving beteken die uitdrukking—

(i) "goedere uitstal" nie om in 'n selfbedieningsbedryfsinrigting voorrade in eilandrakke ("gondolas") te pak, op te stapel of te plaas nie;

(ii) "bestellings opmaak" die byeenbring van goedere deur 'n werknemer wat klante se bestellings uitvoer waar dit 'n onderskeidingsvermoë insluit by die uitsoek van die goedere volgens gehalte of die klant se beskrywing; (64)

(82) "winkelassistent, vrou, gekwalifiseerd" 'n vroulike winkelassistent met minstens vier jaar ondervinding; (65)

(83) "winkelassistent, vrou, ongekwalifiseerd" 'n vroulike winkelassistent met minder as vier jaar ondervinding; (66)

(84) "winkelassistent, man, gekwalifiseerd" 'n manlike winkelassistent met minstens vyf jaar ondervinding; (67)

(85) "winkelassistent, man, ongekwalifiseerd" 'n manlike winkelassistent met minder as vyf jaar ondervinding; (68)

(86) "winkelhulp" 'n werknemer wat onder die toesig van 'n gekwalifiseerde manlike winkelassistent of 'n vroulike winkelassistent wat 'n loon ontvang van minstens die wat vir 'n gekwalifiseerde manlike winkelassistent, voorgeskryf word uitsluitlik Bantoe-klante bedien; (69)

(87) "winkelhulp, gekwalifiseerd" 'n winkelhulp met minstens twee jaar ondervinding; (70)

(88) "winkelhulp, ongekwalifiseerd" 'n winkelhulp met minder as twee jaar ondervinding; (71)

(89) "Wol-, Angorahaar-, Huid- en Velbedryf" die bedryf waarin werkgewers en werknemers met mekaar geassosieer is in of in verband met die werksaamhede verrig deur wolmakelaars, wolkopers, wolverskepers of handelaars in huide of velle, en omvat dit ook een of meer van die volgende werksaamhede, naamlik:

Die ontvangs, sortering, gradering, weeg, katalogisering, bemarking, toemaak, pers, berging of verskeping van wol, huide, velle of angorahaar; die droogmaak of preservering van huide of velle; die skeer of aftrek van wol, hare of angorahaar van huide of velle;

en omvat dit verder alle werksaamhede wat met enigeen van voormelde bedrywighede in verband staan of daaruit voortspruit; (89)

(b) By die toepassing van hierdie Vasstelling word 'n werknemer geag in dié klas te wees waarin hy uitsluitlik of hoofsaaklik werksaam is.

3. BESOLDIGING

(1) Die minimum loon wat 'n werkgewer aan elke lid van ondergenoemde klasse werknemers in sy diens moet betaal, is dié hieronder uiteengesit:

(a) Werknemers uitgesonderd dié in (b) en (c) genoem.

(i)

	In alle gebiede	
	Per week	Per maand
	R	R
Chauffeur.....	11.00	47.67
Demonstrateur-verkooopsman, gekwalifiseerd..	31.85	138.00
Demonstrateur-verkooopsman, ongekwalifiseerd—		
gedurende die eerste jaar ondervinding..	11.45	50.00
gedurende die tweede jaar ondervinding..	15.58	67.50
gedurende die derde jaar ondervinding..	19.62	85.00
gedurende die vierde jaar ondervinding..	23.66	102.50
gedurende die vyfde jaar ondervinding..	27.70	120.00
Bestuurder, man.....	34.62	150.00
Bestuurder, vrou.....	25.38	110.00
Versorger-bestellingnemer, gekwalifiseerd.....	34.62	150.00

(78) "Timber Trade" means the trade in which employers and employees are associated for any one or more or all of the following purposes, namely, the sale, distribution and preparation for sale of any one or more or all of the following articles, namely, timber, wood and waste products from the processing of timber or wood, or both; (59)

(79) "trailer" means any conveyance drawn by a motor vehicle; (53)

(80) "traveller" means an employee, other than an outside shop assistant or a service supply salesman, who as a travelling representative of an establishment invites, canvasses or solicits orders on behalf of such establishment and who may collect money; (26)

(81) "traveller, qualified," means a traveller who has had not less than four years' experience; (27)

(82) "traveller, unqualified," means a traveller who has had less than four years' experience; (28)

(83) "traveller's assistant" means an employee who accompanies a traveller and assists him in packing, unpacking or displaying his samples and who may drive the motor vehicle used by the traveller in the performance of his duties; (29)

(84) "uniform" means any article or articles of wearing apparel of specified colour or design; (61)

(85) "unladen weight" means the weight of any motor vehicle or trailer as recorded in a licence or certificate issued in respect of such motor vehicle or trailer by any authority empowered by law to issue licences in respect of motor vehicles: Provided that in the case of a two or three-wheeled motor cycle, motor scooter or autocycle or cycle fitted with an auxiliary engine with an engine of a capacity exceeding 50 cc the unladen weight shall be deemed not to exceed 1 000 lb; (47)

(86) "wage" means the amount of money payable to an employee in terms of clause 3 (1) in respect of his ordinary hours of work as prescribed in clause 5: Provided—

(i) that, if an employer regularly pays an employee in respect of such ordinary hours of work an amount higher than that prescribed in clause 3 (1), it means such higher amount;

(ii) that the first proviso shall not be construed so as to refer to or include any remuneration which an employee, who is employed on any basis provided for in clause 9, received over and above the amount which he would have received if he had not been employed on such a basis; (40)

(87) "watchman" means an employee, other than a general worker, who is engaged in guarding premises or other immovable or movable property; (75)

(88) "weekly employee" means an employee who is paid by the week; (76)

(89) "Wool, Mohair, Hides and Skins Trade" means the trade in which employers and employees are associated in or in connection with the activities carried on by woolbrokers, woolbuyers, woolshippers or dealers in hides or skins and includes any one or more of the following activities, viz.:

Receiving, sorting, grading, weighing, cataloguing, marketing, closing, pressing, storing or shipping of wool, hides, skins or mohair, curing or preserving of hides or skins; shearing or pulling off wool, hair or mohair from hides or skins;

and further includes all operations incidental to or consequent on any of the aforesaid activities. (89)

(b) For the purpose of this Determination an employee shall be deemed to be in that class in which he is wholly or mainly engaged.

3. REMUNERATION

(1) The minimum wage which an employer shall pay to each member of the undermentioned classes of his employees shall be as set out hereunder:

(a) Employees other than those referred to in (b) and (c).

(i)

	In all areas	
	Per week	Per month
	R	R
Chauffeur.....	11.00	47.67
Demonstrator-salesman, qualified.....	31.85	138.00
Demonstrator-salesman, unqualified—		
during the first year of experience.....	11.54	50.00
during the second year of experience.....	15.58	67.50
during the third year of experience.....	19.62	85.00
during the fourth year experience.....	23.66	102.50
during the fifth year of experience.....	27.70	120.00
Manager, male.....	34.62	150.00
Manager, female.....	25.38	110.00
Service supply salesman, qualified.....	34.62	150.00

	In alle gebiede			In all areas	
	Per week	Per maand		Per week	Per month
	R	R		R	R
Versorger-bestellingnemer, ongekwalifiseerd—			Service supply salesman, unqualified—		
gedurende die eerste jaar ondervinding..	23.08	100.00	during the first year of experience.....	23.08	100.00
gedurende die tweede jaar ondervinding..	25.96	112.50	during the second year of experience.....	25.96	112.50
gedurende die derde jaar ondervinding..	28.85	125.00	during the third year of experience.....	28.85	125.00
gedurende die vierde jaar ondervinding..	31.73	137.50	during the fourth year of experience.....	31.73	137.50
Handelsreisiger, vrou, gekwalifiseerd.....	31.85	138.00	Traveller, female, qualified.....	31.85	138.00
Handelsreisiger, vrou, ongekwalifiseerd—			Traveller, female, unqualified—		
gedurende die eerste jaar ondervinding..	19.62	75.00	during the first year of experience.....	19.62	85.00
gedurende die tweede jaar ondervinding..	22.38	97.00	during the second year of experience.....	22.38	97.00
gedurende die derde jaar ondervinding..	25.62	111.00	during the third year of experience.....	25.62	111.00
gedurende die vierde jaar ondervinding..	28.62	124.00	during the fourth year of experience.....	28.62	124.00
Handelsreisiger, man, gekwalifiseerd.....	40.38	175.00	Traveller, male, qualified.....	40.38	175.00
Handelsreisiger, man, ongekwalifiseerd—			Traveller, male, unqualified—		
gedurende die eerste jaar ondervinding..	30.00	130.00	during the first year of experience.....	30.00	130.00
gedurende die tweede jaar ondervinding..	32.54	141.00	during the second year of experience.....	32.54	141.00
gedurende die derde jaar ondervinding..	35.08	152.00	during the third year of experience.....	35.08	152.00
gedurende die vierde jaar ondervinding..	37.62	163.00	during the fourth year of experience.....	37.62	163.00
Handelsreisiger se assistent—			Traveller's assistant—		
indien die onbelaste gewig van die motor- voertuig gebruik deur die handelsreisiger wat deur die handelsreisiger se assistent vergesel word—			Where the motor vehicle used by the traveller whom the traveller's assistant accompanies has an unladen weight of—		
onder 4 000 lb is.....	12.00	52.00	under 4 000 lb.....	12.00	52.00
4 000 lb of meer is.....	13.00	56.33	4 000 lb or more.....	13.00	56.33

		In distrik A		In distrik B		In distrik C			
		Per week	Per maand	Per week	Per maand	Gedurende die eerste twaalf maande nadat hierdie Vasstelling bindend word		Daarna	
						Per week	Per maand	Per week	Per maand
Versteller.....	} gekwalifiseerd.....	R	R	R	R	R	R	R	R
Klerk, vrou.....		18.46	80.00	17.31	75.00	15.00	65.00	16.15	70.00
Winkelassistent, vrou..	} ongekwalifiseerd—								
Versteller.....									
Klerk, vrou.....									
Winkelassistent, vrou..									
gedurende die eerste jaar ondervinding...		10.38	45.00	9.92	43.00	9.00	39.00	9.46	41.00
gedurende die tweede jaar ondervinding..		12.46	54.00	11.77	51.00	10.62	46.00	11.08	48.00
gedurende die derde jaar ondervinding...		14.54	63.00	13.62	59.00	12.23	53.00	12.69	55.00
gedurende die vierde jaar ondervinding...		16.62	72.00	15.46	67.00	13.62	59.00	14.31	62.00

		In District A		In District B		In District C			
		Per week	Per month	Per week	Per month	During the first twelve months after this determination becomes binding		Thereafter	
		Per week	Per month	Per week	Per month	Per week	Per month	Per week	Per month
Alteration hand.....	} qualified.....	R	R	R	R	R	R	R	R
Clerk, female.....		18.46	80.00	17.31	75.00	15.00	65.00	16.15	70.00
Shop assistant, female...									
Alteration hand.....	} unqualified—								
Clerk, female.....									
Shop assistant, female...									
during the first year of experience.....		10.38	45.00	9.92	43.00	9.00	39.00	9.46	41.00
during the second year of experience....		12.46	54.00	11.77	51.00	10.62	46.00	11.08	48.00
during the third year of experience.....	14.54	63.00	13.62	59.00	12.23	53.00	12.69	55.00	
during the fourth year of experience.....	16.62	72.00	15.46	67.00	13.62	59.00	14.31	62.00	

(iii)

	In distrik A		In distrik B		In distrik C	
	Per week	Per maand	Per week	Per maand	Per week	Per maand
	R	R	R	R	R	R
Klerk.....	28.85	125.00	26.54	115.00	24.23	105.00
Winkelassistent.....						
Klerk.....						
Winkelassistent.....						
gedurende die eerste jaar ondervinding.....	11.54	50.00	10.38	45.00	9.69	42.00
gedurende die tweede jaar ondervinding.....	15.00	65.00	13.62	59.00	12.46	54.00
gedurende die derde jaar ondervinding.....	18.46	80.00	16.85	73.00	15.23	66.00
gedurende die vierde jaar ondervinding.....	21.92	95.00	19.85	86.00	18.00	78.00
gedurende die vyfde jaar ondervinding.....	25.38	110.00	23.08	100.00	20.77	90.00
Bestuurder van 'n motorvoertuig waarvan die onbelaste gewig tesame met die onbelaste gewig van enige sleepwa of sleepwaens deur sodanige voertuig getrek—						
(i) hoogstens 1 000 lb is.....	10.85	47.00	10.15	44.00	9.69	42.00
(ii) meer as 1 000 lb maar hoogstens 3 000 lb is.....	14.08	61.00	13.15	57.00	12.46	54.00
(iii) meer as 3 000 lb maar hoogstens 6 000 lb is.....	15.23	66.00	14.08	61.00	13.62	59.00
(iv) meer as 6 000 lb is.....	17.77	77.00	16.62	72.00	15.92	69.00
Deeltydse bestuurder van 'n motorvoertuig.....	10.85	47.00	10.15	44.00	9.69	42.00
Winkelhulp, gekwalifiseerd.....	12.69	55.00	11.08	48.00	9.23	40.00
Winkelhulp, ongekwalifiseerd—						
gedurende die eerste jaar ondervinding.....	10.38	45.00	9.00	39.00	7.38	32.00
gedurende die tweede jaar ondervinding.....	11.54	50.00	10.15	44.00	8.31	36.00
Winkelhulp, vrou, gekwalifiseerd.....	10.38	45.00	9.00	39.00	7.38	32.00
Winkelhulp, vrou, ongekwalifiseerd—						
gedurende die eerste jaar ondervinding.....	8.08	35.00	6.92	30.00	5.77	25.00
gedurende die tweede jaar ondervinding.....	9.23	40.00	8.08	35.00	6.46	28.00
Toesighouer, vrou.....	21.69	94.00	20.08	87.00	17.77	77.00
Toesighouer, man.....	31.16	135.00	28.85	125.00	25.39	110.00

(iii)

	In District A		In District B		In District C	
	Per week	Per month	Per week	Per month	Per week	Per month
	R	R	R	R	R	R
Clerk.....	28.85	125.00	26.54	115.00	24.23	105.00
Shop assistant.....						
Clerk.....						
Shop assistant.....						
during the first year of experience.....	11.54	50.00	10.38	45.00	9.69	42.00
during the second year of experience.....	15.00	65.00	13.62	59.00	12.46	54.00
during the third year of experience.....	18.46	80.00	16.85	73.00	15.23	66.00
during the fourth year of experience.....	21.92	95.00	19.85	86.00	18.00	78.00
during the fifth year of experience.....	25.38	110.00	23.08	100.00	20.77	90.00
Driver of a motor vehicle the unladen weight of which together with the unladen weight of any trailer or trailers drawn by such vehicle—						
(i) does not exceed 1 000 lb.....	10.85	47.00	10.15	44.00	9.69	42.00
(ii) exceeds 1 000 lb but does not exceed 3 000 lb.....	14.08	61.00	13.15	57.00	12.46	54.00
(iii) exceeds 3 000 lb but does not exceed 6 000 lb.....	15.23	66.00	14.08	61.00	13.62	59.00
(iv) exceeds 6 000 lb.....	17.77	77.00	16.62	72.00	15.92	69.00
Part-time driver of a motor vehicle.....	10.85	47.00	10.15	44.00	9.69	42.00
Shop attendant, qualified.....	12.69	55.00	11.08	48.00	9.23	40.00
Shop attendant, unqualified—						
during the first year of experience.....	10.38	45.00	9.00	39.00	7.38	32.00
during the second year of experience.....	11.54	50.00	10.15	44.00	8.31	36.00
Shop attendant, female, qualified.....	10.38	45.00	9.00	39.00	7.38	32.00
Shop attendant, female, unqualified—						
during the first year of experience.....	8.08	35.00	6.92	30.00	5.77	25.00
during the second year of experience.....	9.23	40.00	8.08	35.00	6.46	28.00
Supervisor, female.....	21.69	94.00	20.08	87.00	17.77	77.00
Supervisor, male.....	31.16	135.00	28.85	125.00	25.39	110.00

(iii) (a) *Gedurende die eerste twaalf maande nadat hierdie vasstelling bindend word—*

	In gebied A		In gebied B		In gebied C		In gebied D		In gebied E		In gebied F	
	Per week	Per maand	Per week	Per maand	Per week	Per maand	Per week	Per maand	Per week	Per maand	Per week	Per maand
	R	R	R	R	R	R	R	R	R	R	R	R
Algemene werker, vrou.....	6.95	30.12	6.15	26.65	5.40	23.40	4.80	20.80	4.40	19.07	4.00	17.33
Algemene werker, man—												
agtien jaar of ouer.....	8.70	37.70	7.70	33.36	6.75	29.25	6.00	26.00	5.50	23.84	5.00	21.67
jonger as agtien jaar.....	6.50	28.17	5.75	24.92	5.05	21.88	4.50	19.50	4.10	17.77	3.75	16.25
Werknemer, graad I.....	9.70	42.03	8.70	37.70	7.75	33.58	7.00	30.33	6.50	28.17	6.00	26.00
Werknemer, graad II.....	9.20	39.87	8.20	35.54	7.25	31.41	6.50	28.17	6.00	26.00	5.50	23.84
Pakhuisassistent, gekwalifiseerd.....	11.20	48.54	10.20	44.20	9.25	40.08	8.50	36.84	8.00	34.67	7.50	32.50
Pakhuisassistent, ongekwalifiseerd—												
gedurende die eerste ses maande ondervinding	9.20	39.87	8.20	35.54	7.25	31.41	6.50	28.17	6.00	26.00	5.50	23.84
gedurende die tweede ses maande ondervinding	10.20	44.20	9.20	39.87	8.25	35.75	7.50	32.50	7.00	30.33	6.50	28.17
Werknemer nie elders in hierdie subklousule uitdruklik vermeld nie	9.20	39.87	8.20	35.54	7.25	31.41	6.50	28.17	6.00	26.00	5.50	23.84

(b) *Daarna—*

	In gebied A		In gebied B		In gebied C		In gebied D		In gebied E		In gebied F	
	Per week	Per maand	Per week	Per maand	Per week	Per maand	Per week	Per maand	Per week	Per maand	Per week	Per maand
	R	R	R	R	R	R	R	R	R	R	R	R
Algemene werker, vrou.....	7.35	31.85	6.55	28.38	5.80	25.13	5.20	22.53	4.80	20.80	4.40	19.07
Algemene werker, man—												
agtien jaar of ouer.....	9.20	39.87	8.20	35.54	7.25	31.41	6.50	28.17	6.00	26.00	5.50	23.84
jonger as agtien jaar.....	6.90	29.90	6.15	26.65	5.45	23.62	4.90	21.23	4.50	19.50	4.10	17.77
Werknemer, graad I.....	10.20	44.20	9.20	39.87	8.25	35.75	7.50	32.50	7.00	30.33	6.50	28.17
Werknemer, graad II.....	9.70	42.03	8.70	37.70	7.75	33.58	7.00	30.33	6.50	28.17	6.00	26.00
Pakhuisassistent, gekwalifiseerd.....	11.70	50.70	10.70	46.36	9.75	42.25	9.00	39.00	8.50	36.84	8.00	34.67
Pakhuisassistent, ongekwalifiseerd—												
gedurende die eerste ses maande ondervinding	9.70	42.03	8.70	37.70	7.75	33.58	7.00	30.33	6.50	28.17	6.00	26.00
gedurende die tweede ses maande ondervinding	10.70	46.36	9.70	42.03	8.75	37.92	8.00	34.67	7.50	32.50	7.00	30.33
Werknemer nie elders in hierdie subklousule uitdruklik vermeld nie	9.70	42.03	8.70	37.70	7.75	33.58	7.00	30.33	6.50	28.17	6.00	26.00

(iii) (a) During the first twelve months after this determination becomes binding—

	In Area A		In Area B		In Area C		In Area D		In Area E		In Area F	
	Per week	Per month	Per week	Per month	Per week	Per month	Per week	Per month	Per week	Per month	Per week	Per month
	R	R	R	R	R	R	R	R	R	R	R	R
General worker, female.....	6.95	30.12	6.15	26.65	5.40	23.40	4.80	20.80	4.40	19.07	4.00	17.33
General worker, male—												
eighteen years of age or over.....	8.70	37.70	7.70	33.36	6.75	29.25	6.00	26.00	5.50	23.84	5.00	21.67
under eighteen years of age.....	6.50	28.17	5.75	24.92	5.05	21.88	4.50	19.50	4.10	17.77	3.75	16.25
Grade I employee.....	9.70	42.03	8.70	37.70	7.75	33.58	7.00	30.33	6.50	28.17	6.00	26.00
Grade II employee.....	9.20	39.87	8.20	35.54	7.25	31.41	6.50	28.17	6.00	26.00	5.50	23.84
Store assistant, qualified.....	11.20	48.54	10.20	44.20	9.25	40.08	8.50	36.84	8.00	34.67	7.50	32.50
Store assistant, unqualified—												
during the first six months' experience.....	9.20	39.87	8.20	35.54	7.25	31.41	6.50	28.17	6.00	26.00	5.50	23.84
during the second six months' experience....	10.20	44.20	9.20	39.87	8.25	35.75	7.50	32.50	7.00	30.33	6.50	28.17
Employee not elsewhere in this subclause specifically mentioned	9.20	39.87	8.20	35.54	7.25	31.41	6.50	28.17	6.00	26.00	5.50	23.84

(b) Thereafter—

	In Area A		In Area B		In Area C		In Area D		In Area E		In Area F	
	Per week	Per month	Per week	Per month	Per week	Per month	Per week	Per month	Per week	Per month	Per week	Per month
	R	R	R	R	R	R	R	R	R	R	R	R
General worker, female.....	7.35	31.85	6.55	28.38	5.80	25.13	5.20	22.53	4.80	20.80	4.40	19.07
General worker, male—												
eighteen years of age or over.....	9.20	39.87	8.20	35.54	7.25	31.41	6.50	28.17	6.00	26.00	5.50	23.84
under eighteen years of age.....	6.90	29.90	6.15	26.65	5.45	23.62	4.90	21.23	4.50	19.50	4.10	17.77
Grade I employee.....	10.20	44.20	9.20	39.87	8.25	35.75	7.50	32.50	7.00	30.33	6.50	28.17
Grade II employee.....	9.70	42.03	8.70	37.70	7.75	33.58	7.00	30.33	6.50	28.17	6.00	26.00
Store assistant, qualified.....	11.70	50.70	10.70	46.36	9.75	42.25	9.00	39.00	8.50	36.84	8.00	34.67
Store assistant, unqualified—												
during the first six months' experience.....	9.70	42.03	8.70	37.70	7.75	33.58	7.00	30.33	6.50	28.17	6.00	26.00
during the second six months' experience....	10.70	46.36	9.70	42.03	8.75	37.92	8.00	34.67	7.50	32.50	7.00	30.33
Employee not elsewhere in this subclause specifically mentioned	9.70	42.03	8.70	37.70	7.75	33.58	7.00	30.33	6.50	28.17	6.00	26.00

(b) *Los werknemer*.—'n Los werknemer moet ten opsigte van die totale tydperk op 'n dag gewerk minstens een en 'n derde maal betaal word van die uurloon voorgeskryf in subklousule (1) (a), gelees met subklousule (4) (d), vir 'n werknemer in dieselfde gebied en van dieselfde geslag wat dieselfde klas werk verrig as dié wat van die los werknemer vereis word: Met dien verstande dat—

(i) waar die werkgever van 'n los werknemer vereis om die werk te verrig van 'n klas werknemer vir wie 'n loon teen 'n stygende skaal voorgeskryf word, die uitdrukking "uurloon" beteken die uurloon wat vir 'n gekwalifiseerde werknemer van daardie klas voorgeskryf word;

(ii) waar van 'n los werknemer vereis word om vir minder as vier uur op 'n dag te werk, hy geag word vir vier uur te gewerk het.

(c) *Deeltydse werknemer*.—'n Deeltydse werknemer moet minstens 66½ persent betaal word van die loon voorgeskryf vir 'n werknemer in dieselfde gebied, van dieselfde klas en geslag en met dieselfde ondervinding, met die nodige inagneming van die woordskrywing "ondervinding".

(2) *Kontrakgrondslag*.—By die toepassing van hierdie klousule moet die dienskontrak van 'n werknemer, uitgesonderd 'n los werknemer, op 'n weeklikse grondslag berus en moet 'n werknemer, behoudens die bepaling van klousule 4 (6), vir 'n week minstens die volle weekloon betaal word wat in subklousule (1), gelees met subklousule (3), voorgeskryf word vir 'n werknemer van sy klas in die gebied waarin hy werk, afgesien daarvan of hy in so 'n week die maksimum getal gewone werkure wat in gevolge klousule 5 vir hom geld, of minder, gewerk het.

(3) *Differensiële loon*.—'n Werkgever wat van 'n lid van een klas van sy werknemers vereis of hom toelaat om vir langer as altesaam een uur op 'n dag of benewens sy eie werk of in die plek daarvan werk van 'n ander klas te verrig waarvoor of—

(a) 'n hoër loon as dié van sy eie klas, of

(b) 'n stygende loonskaal wat uitloop op 'n hoër loon as die van sy eie klas,

in subklousule (1) voorgeskryf word, moet ten opsigte van daardie dag aan sodanige werknemer betaal—

(i) in die geval in paragraaf (a) bedoel, minstens die dagloon bereken teen die hoër tarief; en

(ii) in die geval in paragraaf (b) bedoel, minstens die dagloon bereken op dié kerf in die stygende skaal onmiddellik bokant die loon wat die werknemer vir sy gewone werk ontvang het:

Met dien verstande dat—

(i) die bepaling van hierdie subklousule nie geld nie wanneer die verskil tussen die klasse in gevolge subklousule (1) op ouderdom, ondervinding of geslag berus;

(ii) indien daar van 'n deeltydse werknemer vereis word om die werk van sodanige ander klas aldus te verrig, hy op minstens 66½ persent van die loon van 'n voltydse werknemer van sodanige ander klas geregtig is.

(4) *Loonberekening*.—(a) Die dagloon van 'n werknemer is sy weekloon gedeel deur—

(i) vyf, in die geval van 'n werknemer wat vyf dae in 'n week werk;

(ii) ses, in die geval van alle ander werknemers.

(b) Die maandloon van 'n werknemer is 4½ maal sy weekloon.

(c) Die weekloon van 'n werknemer is sy maandloon gedeel deur 4½.

(d) Die uurloon van 'n werknemer is sy weekloon gedeel deur die getal weeklikse gewone werkure wat in klousule 5 (1) vir so 'n werknemer voorgeskryf word.

(5) *Vervoertoelae en -uitgawes*.—Benewens die betaling van enige ander besoldiging verskuldig aan—

(a) 'n handelsreisiger of 'n versorger-bestellingnemer wat van sy werkgever se motorvoertuig gebruik maak of van wie vereis word om per trein of met enige ander vervoermiddel as sy eie te reis, moet sy werkgever hom alle redelike uitgawes vergoed wat hy in die uitvoering van sy pligte in verband met sodanige vervoer aangegaan het, en by die toepassing van hierdie subklousule word die koste verbonde aan die stalling van 'n motorvoertuig oornag geag 'n vervoeruitgawe te wees;

(b) 'n handelsreisiger of 'n versorger-bestellingnemer van wie vereis word om 'n motorvoertuig vir die uitvoering van sy pligte te verskaf, moet sy werkgever hom vir elke myl wat hy in die uitvoering van sy pligte afgelê het, 'n vervoertoelae betaal van minstens die volgende:

(i) Waar die silinderinhoud van die voertuig waarmee die werknemer aldus gereis het, hoogstens 200 cc is, 2.00 sent;

(ii) waar die silinderinhoud van sodanige voertuig meer as 200 cc maar hoogstens 1,250 cc is, 7.25 sent;

(b) *Casual employee*.—A casual employee shall be paid in respect of the total period worked on any day at a rate of not less than one and a third times the hourly wage prescribed in subclause (1) (a), read with subclause (4) (d), for an employee in the same area and of the same sex who performs the same class of work as the casual employee is required to do: Provided that—

(i) where an employer requires a casual employee to perform the work of a class of employee for whom wages on a rising scale are prescribed the expression "hourly wage" shall mean the hourly wage prescribed for a qualified employee of that class;

(ii) where a casual employee is required to work for less than four hours on any day, he shall be deemed to have worked for four hours.

(c) *Part-time employee*.—A part-time employee shall be paid not less than 66½ per cent of the wage prescribed for an employee in the same area of the same class and sex and with the same experience, having due regard to the definition of "experience".

(2) *Basis of contract*.—For the purpose of this clause the contract of employment of an employee, other than a casual employee, shall be on a weekly basis, and, save as provided in clause 4 (6), an employee shall be paid in respect of a week not less than the full weekly wage prescribed in subclause (1), read with subclause (3), for an employee of his class in the area in which he works, whether he has in that week worked the maximum number of ordinary hours of work applicable to him in terms of clause 5 or less.

(3) *Differential wage*.—An employer who requires or permits a member of one class of his employees to perform for longer than one hour in the aggregate on any day, either in addition to his own work or in substitution therefor, work of another class for which either—

(a) a wage higher than that of his own class, or

(b) a rising scale of wages terminating in a wage higher than that of his own class,

is prescribed in subclause (1), shall pay to such employee in respect of that day—

(i) in the case referred to in paragraph (a), not less than the daily wage calculated at the higher rate, and

(ii) in the case referred to in paragraph (b), not less than the daily wage calculated on the notch in the rising scale immediately above the wage which the employee was receiving for his ordinary work:

Provided that—

(i) the provisions of this subclause shall not apply where the difference between classes in terms of subclause (1) is based on age, experience or sex;

(ii) if a part-time employee is required so to do the work of such another class, his entitlement shall be not less than 66½ per cent of that of a full-time employee of such other class.

(4) *Calculation of wages*.—(a) The daily wage of an employee shall be his weekly wage divided by—

(i) five, in the case of an employee who works a five-day week;

(ii) six, in the case of any other employee.

(b) The monthly wage of an employee shall be four and a third times his weekly wage.

(c) The weekly wage of an employee shall be his monthly wage divided by four and a third.

(d) The hourly wage of an employee shall be his weekly wage divided by the number of the weekly ordinary hours of work prescribed for such an employee in clause 5 (1).

(5) *Transport allowance and expenses*.—In addition to paying any other remuneration due to—

(a) a traveller or a service supply salesman who uses his employer's motor transport or who is required to travel by train or any other means of conveyance than his own, his employer shall reimburse him all the reasonable expenses incurred by him in connection with such transport in the performance of his duties, and for the purpose of this subclause the cost of overnight garaging of motor transport shall be deemed to be a transport expense;

(b) a traveller or a service supply salesman who is required to provide motor transport for the performance of his duties, his employer shall pay him a transport allowance for each mile travelled in the performance of his duties of not less than—

(i) where the engine capacity of the vehicle in which the employee so travelled does not exceed 200 cc, 2.00 cents;

(ii) where the engine capacity of such vehicle exceeds 200 cc but not 1 250 cc, 7.25 cents;

- (iii) waar die silinderinhoud van sodanige voertuig meer as 1 250 cc maar hoogstens 2 500 cc is 8·50 sent;
 (iv) waar die silinderinhoud van sodanige voertuig meer as 2 500 cc is, 11·00 sent.

(6) *Onderhoudstoelae en -uitgawes.*—Benewens die betaling van enige ander besoldiging verskuldig aan—

(a) 'n handelsreisiger of 'n versorger-bestellingnemer wat op enige reis wat hy in die uitvoering van sy pligte onderneem, vir 'n langer tydperk as ses agtereenvolgende ure van sy woonplek en sy werkgever se bedryfsinrigting afwesig is—

(i) moet sy werkgever hom alle redelike uitgawes vergoed wat hy in elke sodanige tydperk van afwesigheid wat nie oor 'n nag strek nie, aan etes en tee vir homself aangegaan het;

(ii) moet sy werkgever hom 'n onderhoudstoelae van minstens R4.50 vir elke nag betaal as so 'n afwesigheid oor een of meer nagte strek;

(b) 'n handelsreisiger se assistent of 'n algemene werker wat, wanneer hy 'n handelsreisiger of 'n versorger-bestellingnemer vergesel op enige reis wat die handelsreisiger of versorger-bestellingnemer in die uitvoering van sy pligte onderneem, vir 'n langer tydperk as ses agtereenvolgende ure van sy woonplek en sy werkgever se bedryfsinrigting afwesig is—

(i) moet sy werkgever hom alle redelike uitgawes vergoed wat hy in elke sodanige tydperk van afwesigheid wat nie oor 'n nag strek nie, aan etes en tee vir homself aangegaan het;

(ii) moet sy werkgever hom 'n onderhoudstoelae van minstens R1.20 vir elke dag betaal as so 'n afwesigheid oor een of meer nagte strek;

Met dien verstande dat by die toepassing van hierdie subklousule die uitdrukking "nag" die tydperk tussen 11-uur nm. en 4-uur vm. beteken.

(7) (a) 'n Werkgever moet alle toelae en uitgawes wat ingevolge subklousules (5) en (6) aan 'n werknemer betaalbaar is, aan hom betaal binne sewe dae nadat die werknemer die skriftelik geëis het: Met dien verstande dat 'n werknemer iedere sodanige eis binne een maand vanaf die tydstop waarop hy daarop geregtig geword het, moet indien maar dat hy nie meer as een eis in 'n week mag indien nie.

(b) 'n Werkgever kan van sy handelsreisiger of versorger-bestellingnemer vereis om elke eis so op te stel dat dit weergee—

(i) in die geval van 'n eis ingevolge subklousule (5) (a), die soort vervoer wat gebruik is en die vervoerkoste aangegaan of die aard van alle ander uitgawes waarvoor hy vergoeding eis;

(ii) in die geval van 'n eis ingevolge subklousule (5) (b), die mylafstand wat hy elke dag afgelê het, die plekke wat besoek is en, uitgesonderd in munisipale gebiede, die roete wat gevolg is;

(iii) in die geval van 'n eis ingevolge subklousule (6), die tyd waarop elke tydperk van afwesigheid begin en geëindig het;

en ten einde aan so 'n vereiste te kan voldoen, moet sy werkgever, voordat sodanige reis deur sodanige werknemer onderneem word, aan hom 'n geskikte boek of vorms verskaf waarin of waarop gepaste aantekeninge gehou kan word.

(8) Die bepalings van subklousules (5) (b) en (7) is *mutatis mutandis* van toepassing op 'n buitewinkelassistent en sy werkgever indien en wanneer die werkgever van so 'n assistent vereis of hom toelaat om sy eie motorvervoer te gebruik in die uitvoering van sy pligte.

9. *Fietstoelae.*—'n Werkgever wat van 'n werknemer vereis of hom toelaat om in die uitvoering van sy pligte sy eie fiets te gebruik, moet hom, benewens enige ander besoldiging aan hom verskuldig, 'n toelae van minstens vyftig sent per week of, as hy 'n los werknemer is, minstens tien sent per dag betaal.

(10) *Verhogingsdatum.*—Indien 'n werknemer ingevolge subklousule (1) voor of op die 15de dag van die maand op 'n verhoging geregtig word, word daar geag dat sodanige verhoging hom toeval op die eerste dag van daardie maand, maar as hy na die vyftiende dag van die maand op die verhoging geregtig word, word daar geag dat dit hom op die eerste dag van die eersvolgende maand toeval: Met dien verstande dat in enige bedryfsinrigting waarin verspreide betaaldag nagekom word, enige verhoging wat betaalbaar is binne 15 dae onmiddellik na 'n aangewese betaaldag, geag word toegeval te wees op sodanige aangewese betaaldag en enige verhoging wat betaalbaar is ná sodanige 15 dae geag word toegeval te wees op die eersvolgende betaaldag.

(11) Indien 'n werknemer as 'n ongekwalfiseerde werknemer in diens geneem word vir enige klas werk waarvoor lone voorgeskryf word ooreenkomstig 'n stygende skaal wat volgens onderverinding bereken word, en hy versuim om binne drie maande na die datum waarop hy diens aanvaar het aan sy werkgever

(iii) where the engine capacity of such vehicle exceeds 1 250 cc, but not 2 500 cc, 8·50 cents;

(iv) where the engine capacity of such vehicle exceeds 2 500 cc, 11·00 cents.

(6) *Subsistence allowance and expenses.*—In addition to paying any other remuneration due to—

(a) a traveller or a service supply salesman who, on any journey undertaken in the performance of his duties, is absent from his place of residence and his employer's establishment for any period in excess of six consecutive hours, his employer shall—

(i) reimburse him all expenses reasonably incurred by him for any meals and teas for himself during each such period of absence not extending over a night;

(ii) pay him a subsistence allowance of not less than R4.50 for each night where such absence extends over one or more nights;

(b) a traveller's assistant or a general worker who, accompanying a traveller or a service supply salesman on any journey undertaken by the traveller or the service supply salesman in the performance of his duties, is absent from the place of his residence and his employer's establishment for any period in excess of six consecutive hours, his employer shall—

(i) reimburse him all expenses reasonably incurred by him for any meals and teas for himself during each such period of absence not extending over a night;

(ii) pay him a subsistence allowance of not less than R1.20 for each night where such absence extends over one or more nights:

Provided that for the purpose of this subclause the expression "night" means the period between 11 o'clock p.m. and 4 o'clock a.m.

(7) (a) Any allowances and expenses payable to an employee in terms of subclauses (5) and (6) shall be paid by an employer within seven days of the employee's written claim therefor: Provided that an employee shall submit any such claims within one month of entitlement but shall not submit more than one claim in any one week.

(b) An employer may require his traveller or service supply salesman to frame any claim so that it shall reflect—

(i) in respect of any claim in terms of subclause (5) (a), the mode of travel employed and the transport expenses incurred or the nature of any other expense for which reimbursement is claimed;

(ii) in respect of any claim in terms of subclause (5) (b), the mileage travelled each day, the points of call and, except in municipal areas, the route followed;

(iii) in respect of any claim in terms of subclause (6), the times of commencement and ending of each period of absence;

and to enable such employee to comply with such a requirement, his employer shall, before any such journey is undertaken by such employee, provide him with a suitable book or forms in or on which to maintain suitable records.

(8) The provisions of subclauses (5) (b) and (7) shall *mutatis mutandis* apply to an outside shop assistant and his employer if and when the employer requires or permits such assistant to use his own motor transport in the performance of his duties.

(9) *Bicycle allowance.*—An employer who requires or permits an employee to use his own bicycle in the performance of his duties shall pay him, in addition to any other remuneration due to him, an allowance of not less than 50 cents per week, or, if he is a casual employee, not less than 10 cents per day.

(10) *Incremental date.*—Where an employee in terms of subclause (1) becomes entitled to an increment on or before the 15th day of the month such increment shall be deemed to accrue on the first day of that month, but if such entitlement arises after the 15th day of the month the increment shall be deemed to accrue on the first day of the next succeeding month: Provided that, in any establishment in which staggered pay days are observed, any increment falling due within 15 days immediately following a designated pay day shall be deemed to accrue on such designated pay day and any increment falling due after such 15 days shall be deemed to accrue on the next succeeding pay day.

(11) An employee, who is employed as an unqualified employee in any class for which wages on a rising scale calculated on experience are prescribed and who fails to provide his employer within three months from the date of commencement of his employment with proof of any period of employment in that class

bewys te lewer van enige diens wat hy in daardie klas by 'n ander werkgewer gelewer het, word daar geag dat hy nie sodanige dienstydperk in daardie klas by die ander werkgewer gehad het nie, en die uitdrukking "daardie klas" omvat enige klas waarin diens bereken kan word as ondervinding vir die klas werk wat hy verrig: Met dien verstande dat, indien 'n werknemer te eniger tyd na die verstryking van genoemde drie maande sodanige bewys aan sy werkgewer lewer, die dienstydperk by die ander werkgewer bereken kan word as ondervinding maar slegs met ingang van die datum waarop sodanige bewys aan sy werkgewer gelewer word.

4. BETALING VAN BESOLDIGING

(1) *Werknemers, uitgesonderd los werknemers.*—Behoudens die bepalings van klousules 3 (7) en 6 (4), moet elke bedrag verskuldig aan 'n werknemer, uitgesonderd 'n los werknemer, weekliks of maandeliks in kontant, of, as die werknemer daartoe instem, per tjek betaal word gedurende die werkure op die dag waarop die bedryfsinrigting so 'n werknemer gewoonlik betaal, of by diensbeëindiging, as dit voor die gewone betaaldag geskied, en sodanige bedrag moet in 'n verseëde koevert of houer wees waarop of wat vergesel gaan van 'n staat waarop gemeld word—

- (a) die werkgewer se naam;
- (b) die werknemer se naam of sy nommer op die betaalstaat en sy beroep;
- (c) die getal ure wat die werknemer oortyd gewerk het;
- (d) die getal ure wat die werknemer op 'n Sondag of 'n openbare vakansiedag gewerk het;
- (e) die werknemer se loon;
- (f) besonderhede van enige ander besoldiging wat uit die werknemer se diens voortspruit;
- (g) besonderhede van enige bedrag wat afgetrek is;
- (h) die werklike bedrag wat aan die werknemer betaal word;
- en
- (i) die tydperk waarvoor die betaling geskied;

en sodanige koevert of houer waarop hierdie inligting aangeteken is of sodanige staat word die eiendom van die werknemer: Met dien verstande dat inligting in verband met tyd wat daar gewerk is nie verstrek hoef te word in die geval van werknemers wat ingevolge klousule 5 (9) (a) of (f) van die werkurebepalings uitgesluit is nie.

(2) *Los werknemer.*—'n Werkgewer moet die besoldiging wat aan 'n los werknemer verskuldig is, by die beëindiging van sy diens in kontant aan hom betaal, maar minstens een maal per week.

(3) *Premies.*—Geen bedrag mag regstreeks of onregstreeks vir die indiensneming of opleiding van 'n werknemer aan 'n werkgewer betaal of deur hom aangeneem word nie.

(4) *Koop van goedere.*—'n Werkgewer mag nie van sy werknemer vereis om van hom of van enige winkel, plek of persoon deur hom aangewys goedere te koop nie.

(5) *Kos en huisvesting.*—Behoudens die bepalings van die Bantoe (Stadsgebiede) Konsolidasiewet, 1945, mag 'n werkgewer nie van sy werknemer vereis om van hom of van enigemand anders of op 'n plek deur hom aangewys, kos of huisvesting of kos en huisvesting aan te neem nie.

(6) *Aftekings.*—'n Werkgewer mag sy werknemer geen boetes ople of enige bedrae van sy werknemer se besoldiging aftrek nie: Met dien verstande dat hy die volgende kan aftrek:

(a) Met die skriftelike toestemming van sy werknemer, 'n bedrag vir 'n vakansie-, siektebystand-, versekerings-, spaar-, voorsorgs- of pensioenfonds, of vir ledegelde van 'n vakvereniging of van 'n welsynorganisasie geregistreer ingevolge die Wet op Welsynorganisasies, 1947, of vir bydraes aan 'n personeel-sosiale klub of presentasiefonds;

(b) behoudens andersluidende bepalings in hierdie Vasstelling, telkens wanneer 'n werknemer om 'n ander rede as op las of versoek van sy werkgewer van sy werk afwesig is, 'n bedrag eweredig aan die tydperk van sy afwesigheid en bereken op die grondslag van die loon wat sodanige werknemer ten tyde van sodanige afwesigheid ten opsigte van sy gewone werkure ontvang het;

(c) enige bedrag wat 'n werkgewer regtens of kragtens of ingevolge 'n bevel van 'n bevoegde hof mag of moet aftrek;

(d) wanneer 'n werknemer daartoe instem of daar ingevolge die Bantoe (Stadsgebiede) Konsolidasiewet, 1945, van hom vereis word om kos en huisvesting of kos of huisvesting van sy werkgewer aan te neem, 'n bedrag van hoogstens—

	Per week	Per maand
	R	R
(i) Kos.....	0.60	2.60
(ii) Huisvesting.....	0.20	0.87
(iii) Kos en huisvesting.....	0.80	3.47;

which he has had with another employer, shall be deemed not to have had such period of employment in that class with the other employer and the expression "that class" shall include any class in which employment is reckonable as experience in the class in which he is employed: Provided that, if at any time after the expiration of the said three months an employee provides his employer with such proof, the period of employment with the other employer shall be reckonable as experience but only with effect from the date on which his employer is provided with such proof.

4. PAYMENT OF REMUNERATION

(1) *Employees other than casual employees.*—Save as provided in clauses 3 (7) and 6 (4), any amount due to an employee, other than a casual employee, shall be paid weekly or monthly in cash or, with the consent of the employee, by cheque during the hours or work on the usual pay day of the establishment for such employee or on termination of employment if this takes place before the usual pay day, and such amount shall be contained in a sealed envelope or container on which shall be recorded or which shall be accompanied by a statement showing—

- (a) the employer's name;
- (b) the employee's name or his number on the pay roll and his occupation;
- (c) the number of overtime hours worked by the employee;
- (d) the number of hours worked by the employee on a Sunday or a public holiday;
- (e) the employee's wage;
- (f) the details of any other remuneration arising out of the employee's employment;
- (g) the details of any deductions made;
- (h) the actual amount paid to the employee; and
- (i) the period in respect of which payment is made;

and such envelope or container on which these particulars are recorded or such statement shall become the property of the employee: Provided that information in respect of time worked need not be furnished in the case of employees who are excluded from the hours of work provisions by virtue of clause 5 (9) (a) or (f).

(2) *Casual employee.*—An employer shall pay the remuneration due to a casual employee in cash on termination of his employment but at least once per week.

(3) *Premiums.*—No payment shall be made to or accepted by an employer, either directly or indirectly, in respect of the employment or training of an employee.

(4) *Purchase of goods.*—An employer shall not require his employee to purchase any goods from him or from any shop, place or person nominated by him.

(5) *Board and lodging.*—Save as provided in the Bantu (Urban Areas) Consolidation Act, 1945, an employer shall not require his employee to board or lodge or board and lodge with him or with any person or at any place nominated by him.

(6) *Deductions.*—An employer shall not levy any fines against his employee nor shall he make any deductions from his employee's remuneration: Provided that he may make the following:

(a) with the written consent of his employee, a deduction for holiday, sick benefit, insurance, savings, provident or pension funds, or subscriptions to a trade union or to a welfare organisation registered in terms of the Welfare Organisation Act, 1947 or for contributions to a staff social club or presentation fund;

(b) except where otherwise provided in this Determination, whenever an employee is absent from work, other than on the instruction or at the request of his employer, a deduction proportionate to the period of his absence and calculated on the basis of the wage which such employee was receiving in respect of his ordinary hours of work at the time of such absence;

(c) a deduction of any amount which an employer by any law or order of any competent court is required or permitted to make;

(d) whenever an employee agrees, or is required in terms of the Bantu (Urban Areas) Consolidation Act, 1945, to accept board and lodging or board or lodging with his employer, a deduction not exceeding the amounts specified hereunder—

	Per week	Per month
	R	R
(i) Board.....	0.60	2.60
(ii) Lodging.....	0.20	0.87
(iii) Board and lodging.....	0.80	3.47;

(e) met die skriftelike toestemming van 'n werknemer, enige bedrag wat 'n werkgever aan 'n munisipale raad of ander plaaslike owerheid betaal het aan die huur van 'n huis of aan huisvesting in 'n tehuis wat die werknemer in 'n lokasie of Bantoe-dorp onder die beheer van so 'n raad of ander plaaslike owerheid bewoon.

5. WERKURE, GEWONE EN OORTYD-, EN BETALING VIR OORTYDWERK

(1) *Gewone werkure*.—Die gewone werkure van 'n werknemer mag hoogstens die volgende wees:

(a) In die geval van 'n algemene werker of 'n werknemer wat uitsluitlik of hoofsaaklik goedere versend, aflewer of ontvang—

(i) agt-en-veertig in 'n week, uitgesonderd Sondag; en

(ii) behoudens subparagraaf (i) hiervan, vyf en 'n half op een dag in 'n week en agt en 'n half op enige ander dag, in die geval van 'n werknemer wat ses dae in 'n week werk, of, in die geval van 'n werknemer wat vyf dae in 'n week werk, nege en drie-vyftes op 'n dag;

(b) in die geval van 'n deeltydse werknemer—

(i) vyf-en-twintig in 'n week, uitgesonderd Sondag; en

(ii) behoudens subparagraaf (i) hiervan, vyf op 'n dag;

(c) in die geval van 'n los werknemer, agt op 'n dag; en

(d) in die geval van elke ander werknemer—

(i) ses-en-veertig in 'n week, uitgesonderd Sondag; en

(ii) behoudens subparagraaf (i) hiervan, vyf op een dag in 'n week en agt en 'n half op enige ander dag, in die geval van 'n werknemer wat ses dae in 'n week werk, of nege en een-vyfde op 'n dag, in die geval van 'n werknemer wat vyf dae in 'n week werk;

Met dien verstande dat—

(i) wanneer daar van 'n werknemer vereis word om 'n klant te bedien na voltooiing van die gewone werkure in subparagrafe (b) (ii), (c) of (d) (ii) gemeld, genoemde gewone werkure met hoogstens 15 minute op 'n dag en hoogstens een uur in 'n week verleng mag word;

(ii) wanneer die Wet toelaat dat daar op 'n dag laat gesluit mag word, die gewone werkure wat in subparagraaf (a) (ii) voorgeskrif word met 'n halfuur op een dag in 'n week verleng mag word in die geval van 'n werknemer wat goedere aflewer, indien sodanige verlenging nie die beperking in subparagraaf (a) (i) voorgeskrif, te bowe gaan nie;

(iii) wanneer die Wet toelaat dat daar op 'n dag laat gesluit mag word, die gewone werkure wat in subparagraaf (d) (ii), voorgeskrif word op een dag in 'n week met een en 'n half uur verleng mag word, indien sodanige verlenging nie die beperking in subparagraaf (d) (i) voorgeskrif, te bowe gaan nie.

(2) *Etenspouse*.—'n Werkgever mag nie van 'n werknemer vereis of hom toelaat om meer as vyf uur aaneen sonder 'n etenspouse van minstens een uur te werk nie, en gedurende sodanige pouse mag daar nie van sodanige werknemer vereis word of mag hy nie toegelaat word om enige werk te verrig nie, en sodanige pouse maak nie deel van die gewone werkure of oortydure uit nie: Met dien verstande dat—

(i) 'n werkgever met sy werknemer ooreen mag kom om die duur van sodanige pouse tot uiters 'n halfuur te verkort, en in dié geval die werkgever die Afdelingsinspekteur, Departement van Arbeid, vir sy gebied skriftelik in kennis gestel het van sodanige ooreenkoms, kan die pouse aldus verkort word;

(ii) werktidperke wat deur pouses van minder as een uur onderbreek word, uitgesonderd waar voorbehoudsbepaling (i) of (vii) van toepassing is, geag word aaneenlopend te wees;

(iii) in die geval van 'n chauffeur of 'n hyserbediende, waar sodanige pouse langer as twee uur is, enige tydperk bo en behalwe twee uur geag word deel van die gewone werkure of oortyd uit te maak;

(iv) in die geval van 'n werknemer wat uitsluitlik of hoofsaaklik persele skoonmaak of winkels oop- of toemaak, waar sodanige pouse langer as drie uur is, enige tyd wat daardie pouse te bowe gaan geag word deel van die gewone werkure of oortyd uit te maak;

(v) indien sodanige pouse langer as een uur is, behalwe waar voorbehoudsbepaling (iii) of (iv) van toepassing is, enige tydperk wat een en 'n halfuur te bowe gaan, geag word werktid te wees;

(vi) alleenlik een sodanige pouse gedurende 'n werknemer se gewone werkure op 'n dag nie deel van die gewone werkure mag uitmaak nie;

(vii) wanneer daar, vanweë oortyd wat gewerk is, van 'n werkgever vereis word om op enige dag 'n tweede etenspouse aan 'n werknemer toe te staan, sodanige pouse op versoek van die werknemer tot 15 minute verkort mag word;

(e) with the written consent of an employee, a deduction of any amount which an employer has paid to any municipal council or other local authority in respect of the rent of any house or accommodation in any hostel occupied by such employee in any location or Bantu village under the control of such council or other local authority.

5. HOURS OF WORK, ORDINARY AND OVERTIME AND PAYMENT FOR OVERTIME

(1) *Ordinary hours of work*.—The ordinary hours of work of an employee shall not exceed—

(a) in the case of a general worker or an employee wholly or mainly engaged in the despatch, delivery or receipt of goods—

(i) forty-eight in any week, excluding Sunday; and

(ii) subject to subparagraph (i) hereof, five and a half on one day in any week and eight and a half on any other day, in the case of an employee who works a six-day week, or, in the case of an employee who works a five-day week, nine and three-fifths on any day;

(b) in the case of part-time employee—

(i) twenty-five in any week, excluding Sunday; and

(ii) subject to subparagraph (i) hereof, five on any day;

(c) in the case of a casual employee eight on any day; and

(d) in the case of every other employee—

(i) forty-six in any week, excluding Sunday; and

(ii) subject to subparagraph (i) hereof, five on one day in any week and eight and a half on any other day, in the case of an employee who works a six-day week, or nine and one-fifth on any day, in the case of an employee who works a five-day week;

Provided that—

(i) where an employee is required to attend to a customer after completion of the ordinary hours of work referred to in subparagraphs (b) (ii), (c) or (d) (ii) the said ordinary hours of work may be exceeded by not more than 15 minutes on any day and by not more than one hour in any week;

(ii) where a late closing day is permitted by law, the ordinary hours of work prescribed in subparagraph (a) (ii) may be extended in the case of an employee engaged in the delivery of goods by half an hour on one day in any week if by such extension the limitation prescribed in subparagraph (a) (i) is not exceeded;

(iii) where a late closing day is permitted by law, the ordinary hours of work prescribed in subparagraph (d) (ii) may be extended by one and a half hours on one day in any week, if by such extension the limitation prescribed in subparagraph (d) (i) is not exceeded.

(2) *Meal intervals*.—An employer shall not require or permit an employee to work for more than five hours continuously without a meal interval of not less than one hour during which interval such employee shall not be required or permitted to perform any work, and such interval shall not form part of the ordinary hours of work or overtime: Provided that—

(i) an employer may agree with his employee to reduce the period of such interval to not less than half an hour, and in that event, and after the employer has informed the Divisional Inspector, Department of Labour, for his area, in writing of such agreement, the interval may be so reduced;

(ii) periods of work interrupted by intervals of less than one hour, except when proviso (i) or (vii) applies, shall be deemed to be continuous;

(iii) in the case of a chauffeur or a lift attendant, if such interval be longer than two hours any period in excess of two hours shall be deemed to form part of the ordinary hours of work or overtime;

(iv) in the case of an employee who is wholly or mainly engaged in cleaning premises or opening or closing shops, if such interval be longer than three hours, any period in excess of three hours shall be deemed to form part of the ordinary hours of work or overtime;

(v) if such interval be longer than one hour, except when proviso (iii) or (iv) applies, any period in excess of one and a half hours shall be deemed to be time worked;

(vi) only one such interval during the ordinary hours of work of an employee on any day shall not form part of the ordinary hours of work;

(vii) when on any day by reason of overtime work an employer is required to give an employee a second meal interval, such interval may, at the request of the employee, be reduced to 30 minutes;

(viii) 'n bestuurder van 'n motorvoertuig wat gedurende sodanige pouse geen ander werk verrig as om in beheer van die voertuig te wees of te bly nie, by die toepassing van hierdie subklousule geag word nie gedurende sodanige pouse te gewerk het nie;

(ix) sodanige etenspouse nie toegestaan hoef te word aan 'n werknemer op enige dag waarop hy hoogstens vyf en 'n half-uur werk nie.

(3) *Ruspouses.*—'n Werkgewer moet, so na as doenlik aan die middel van elke werktydperk in die voor- en namiddag, aan elkeen van sy werknemers 'n ruspouse van minstens 10 minute toestaan waarin daar nie van sodanige werknemer vereis of hy nie toegelaat mag word om werk te verrig nie, en daar word geag dat so 'n pouse deel van die gewone werkure van so 'n werknemer uitmaak: Met dien verstande dat 'n deeltydse werknemer op slegs een sodanige ruspouse op 'n dag geregtig is wat so na as prakties doenlik aan die middel van sy werktydperk toegestaan moet word.

(4) *Werkure moet agtereenvolgend wees.*—Behoudens die bepalings van subklousule (2), moet alle werkure van 'n werknemer op elke dag agtereenvolgend wees.

(5) *Oortydwerk.*—Alle tyd wat 'n werknemer, behalwe op 'n Sondag, langer gewerk het as die getal gewone werkure in subklousule (1) voorgeskryf, is oortyd.

(6) *Beperking van oortydwerk.*—'n Werkgewer mag nie van 'n werknemer vereis of hom toelaat om langer oortyd te werk nie as—

(a) in die geval van 'n werknemer wat uitsluitlik of hoofsaaklik goedere versend of ontvang—

- (i) drie uur op 'n dag;
- (ii) ses uur in 'n week;

(b) in die geval van 'n werknemer wat uitsluitlik of hoofsaaklik goedere aflewer, ses uur in 'n week: Met dien verstande dat daar gedurende die tydperk 1 tot en met 24 Desember agt uur in 'n week oortyd gewerk kan word;

(c) in die geval van alle ander werknemers—

- (i) drie uur op 'n dag;
- (ii) ses uur in 'n week;
- (iii) dertig uur in 'n jaar:

Met dien verstande dat die daaglikse beperking by paragraaf (c) (i) voorgeskryf vir voorraadopnamedoeleindes met hoogstens een uur op hoogstens twee dae per week en die weeklikse beperking by paragraaf (c) (ii) voorgeskryf met hoogstens twee uur te bowe gegaan mag word, en met dien verstande voorts dat die beperking op oortyd wat by hierdie subklousule voorgeskryf word, gedurende die tydperk 8 tot en met 31 Desember ten opsigte van die bedryf wat deur die houers van drankwinkellisensies beoefen word, en gedurende die tydperk 1 tot en met 24 Desember ten opsigte van alle ander bedrywe met hoogstens altesaam 15 uur te bowe gegaan mag word, maar dan so dat enige voorgeskrewe daaglikse beperkings nie te bowe gegaan word nie.

(7) *Betaling vir oortydwerk.*—'n Werkgewer moet 'n werknemer wat oortyd werk, betaal teen minstens—

(a) in die geval van 'n los werknemer, een en 'n derde maal sy gewone loon ten opsigte van die totale tydperk aldus deur sodanige werknemers op enige dag gewerk;

(b) in die geval van 'n deeltydse werknemer, een en 'n derde maal sy gewone loon ten opsigte van die totale tydperk aldus deur sodanige werknemer op enige dag in enige week gewerk;

(c) in die geval van 'n ander werknemer, een en 'n derde maal sy gewone loon ten opsigte van die totale tydperk aldus deur sodanige werknemer op enige dag in enige week gewerk;

(8) *Vroulike werknemers.*—Ondanks andersluidende bepalings in hierdie klousule, mag 'n werkgewer nie van 'n vroulike werknemer vereis of haar toelaat om—

(a) op meer as vyf dae in 'n week na 1-uur nm. te werk nie: Met dien verstande dat vir die doel van voorraadopname, voorbereidings vir uitverkopings of enige ander werk wat redelikerwys nie op 'n Saterdag vóór 1-uur nm., gedoen kan word nie, daar van 'n vroulike werknemer vereis of sy toegelaat mag word om na 1-uur nm. op hoogstens ses Saterdae per jaar te werk;

(b) indien sy onder die ouderdom van 18 jaar is, op enige dag na 6.30 nm. te werk nie;

(c) na voltooiing van haar gewone werkure meer as een uur op 'n dag oortyd te werk nie tensy hy sodanige werknemer minstens 35 sent betyds betaal het om haar in staat te stel om 'n ete te verkry en te nuttig voordat sy met die oortydwerk moet begin, en sodanige betaling moet geskied benewens betaling vir oortydwerk ingevolge subklousule (7):

Met dien verstande dat waar daar van 'n vroulike werknemer vereis word om 'n klant te bedien na die tye in paragraaf (a) of (b) hiervan genoem, sodanige werknemer verplig of toegelaat mag

(viii) a driver of a motor vehicle who during such interval does no work other than being or remaining in charge of the vehicle shall be deemed for the purposes of this subclause not to have worked during such interval;

(ix) such an interval need not be given to an employee on any day on which his hours of work do not exceed five and a half.

(3) *Rest intervals.*—An employer shall grant to each of his employees a rest interval of not less than 10 minutes as near as practicable in the middle of each morning and afternoon work period, and during such interval such employee shall not be required or permitted to perform any work, and such interval shall be deemed to be part of the ordinary hours of work of such employee: Provided that a part-time employee shall only be entitled to one such rest interval on any day, which shall be granted as near as practicable in the middle of his work period.

(4) *Hours of work to be consecutive.*—Save as provided in subclause (2), all hours of work of an employee on any day shall be consecutive.

(5) *Overtime.*—All time worked, other than on a Sunday, in excess of the number of ordinary hours of work prescribed in subclause (1) shall be overtime.

(6) *Limitation of overtime.*—An employer shall not require or permit an employee to work overtime for more than—

(a) in the case of an employee who is wholly or mainly engaged in the despatch or receipt of goods—

- (i) three hours on any day;
- (ii) six hours in any week;

(b) in the case of an employee who is wholly or mainly engaged in the delivery of goods, six hours in any week: Provided that during the period 1 to 24 December, inclusive, eight hours may be worked in any week;

(c) in the case of every other employee—

- (i) three hours on any day;
- (ii) six hours in any week;
- (iii) thirty hours in any year:

Provided that for the purpose of stocktaking the daily limitation prescribed in paragraph (c) (i) may be exceeded by not more than one hour on not more than two days per week and the weekly limitation prescribed in paragraph (c) (ii) may be exceeded by not more than two hours, and provided further that during the period 8 to 31 December, inclusive, in respect of the trade carried on by the holder of bottle liquor licences, and during the period 1 to 24 December, inclusive, in respect of all other trades, the limitation of overtime prescribed in this subclause may be exceeded not more than a total of 15 hours but so that any prescribed daily limitations are not exceeded.

(7) *Payment for overtime.*—An employer shall pay an employee who works overtime at a rate of not less than—

(a) in the case of a casual employee, one and one-third times his ordinary wage in respect of the total period so worked by such employee on any day;

(b) in the case of a part-time employee, one and one-third times his ordinary wage in respect of the total period so worked by such employee on any days in any week;

(c) in the case of any other employee, one and one-third times his ordinary wage in respect of the total period so worked by such employee on any days in any week.

(8) *Female employees.*—Notwithstanding anything to the contrary contained in this clause, an employer shall not require or permit a female employee—

(a) to work after 1 o'clock p.m. on more than five days in any week: Provided that for the purposes of stocktaking, preparations for sales or any other work which cannot reasonably be done before 1 o'clock p.m. on a Saturday, a female employee may be required or permitted to work after 1 o'clock p.m. on not more than six Saturdays in any year;

(b) under the age of 18 years to work after 6.30 o'clock p.m. on any day;

(c) to work overtime after completion of her ordinary hours of work for more than one hour on any day unless he has paid such employee not less than 35 cents in sufficient time to enable her to obtain and have a meal before the overtime work is due to commence and such payment shall be in addition to payment for overtime worked in terms of subclause (7):

Provided that where a female employee is required to attend to a customer after the time stipulated in paragraph (a) or (b) hereof, such an employee may be required or permitted to attend to such

word om vir hoogstens 15 minute na gemelde tye sodanige klant te bedien, maar in die geval in paragraaf (b) genoem nie vir meer as altesaam een uur in enige week nie.

(9) *Voorbehoudsbepalings.*—(a) Die bepalinge van hierdie klousule is nie op 'n werknemer van toepassing nie indien en solank so 'n werknemer gereeld 'n loon teen minstens R190 per maand ontvang, of op 'n versorger-bestellingnemer, 'n handelsreisiger of 'n handelsreisiger se assistent of op 'n algemene werker wat 'n versorger-bestellingnemer vergesel nie indien en solank so 'n algemene werker gereeld 'n loon teen minstens R10.50 per week ontvang.

(b) Die bepalinge van subklousule (2), (3), (4) en (6) is nie op 'n werknemer van toepassing nie terwyl hy noodwerk verrig.

(c) Die bepalinge van subklousule (2), (3) en (4) is nie van toepassing nie op 'n werknemer wat radio's, koelkaste, brei- of naaimasjiene, stofsuiers, vloerpolesders of enige ander soortge-lyke elektriese toestelle of nie-elektriese brei- of naaimasjiene verkoop, installeer, herstel of demonstreer.

(d) Die bepalinge van subklousule (3) is nie op 'n chauffeur of op 'n werknemer wat goedere aflewer of wat op 'n afleweringervoertuig help, of op 'n buitewinkelassistent van toepassing nie.

(e) Die bepalinge van subklousule (6) is nie op 'n werknemer wat diere oppas, skoonmaak, voer, inspan of uitspan van toepassing nie.

(f) Die bepalinge van hierdie klousule is nie op 'n wag wie se werkgewer hom 'n vry periode van 24 agtereenvolgende ure ten opsigte van elke week diens toestaan, van toepassing nie: Met dien verstande dat—

(i) hy geen bedrag van sy wag se loon ten opsigte daarvan aftrek nie;

(ii) 'n werkgewer, in plaas daarvan dat hy sodanige vry periode aan sy wag toestaan, sodanige wag die loon mag betaal wat hy sou ontvang het indien hy nie gedurende sodanige periode gewerk het nie, plus 'n bedrag van minstens dubbel sy dagloon ten opsigte van sodanige vry periode wat nie toegestaan is nie.

6. JAARLIKSE VERLOF

(1) Behoudens die bepalinge van subklousule (2), moet 'n werkgewer aan sy werknemer, uitgesonderd 'n los werknemer, ten opsigte van elke voltooide tydperk van 12 maande diens by hom verlof verleen van—

(a) in die geval van 'n handelsreisiger, 'n handelsreisiger se assistent of 'n wag met 'n werkweek van vyf dae, 18 agtereenvolgende werkdae;

(b) in die geval van enige ander handelsreisiger, handelsreisiger se assistent of 'n wag, 21 agtereenvolgende werkdae;

(c) in die geval van enige ander werknemer met 'n werkweek van vyf dae, 15 agtereenvolgende werkdae;

(d) in die geval van alle ander werknemers, 18 agtereenvolgende werkdae, en moet hy sodanige werknemer ten opsigte van sodanige verlof betaal—

(i) in die geval van 'n werknemer in paragraaf (a) of (b) vermeld, 'n bedrag van minstens drie en 'n half maal die weekloon wat hy onmiddellik voor die aanvangsdatum van die verlof ontvang het;

(ii) in die geval van 'n werknemer in paragraaf (c) of (d) bedoel, 'n bedrag van minstens drie maal die weekloon wat hy onmiddellik voor die aanvangsdatum van die verlof ontvang het;

Met dien verstande dat by die toepassing van hierdie klousule die weekloon van 'n werknemer wat in diens is ooreenkomstig die bepalinge van klousule 9, bereken word deur die totale besoldiging wat ingevolge klousule 9 aan hom betaalbaar is ten opsigte van die 12 maande onmiddellik voor die datum waarop die verlof hom toekom, deur 52 te deel of, indien hy minder as 12 maande aldus gewerk het, deur die totale besoldiging wat aldus vir sodanige dienstydperk aan hom betaalbaar is, deur die getal voltooide weke in sodanige tydperk te deel.

(2) Die verlof in subklousule (1) voorgeskryf, moet verleen word op 'n tyd wat die werkgewer bepaal: Met dien verstande dat—

(i) as sodanige verlof nie eerder verleen is nie, dit, behoudens die bepalinge van subklousule (3), so verleen moet word dat dit binne vier maande begin na voltooiing van die 12 maande diens waarop dit betrekking het; of, as die werkgewer en sy werknemer voor die verstryking van genoemde tydperk van vier maande skriftelik daartoe ooreengekom het, die werkgewer sodanige verlof aan die werknemer moet verleen met ingang van 'n datum uiterlik twee maande na die verstryking van genoemde tydperk van vier maande;

customer for up to 15 minutes after the said stipulated time, but in the case of paragraph (b) by not more than a total of one hour in any week.

(9) *Savings.*—(a) The provisions of this clause shall not apply to any employee if and for so long as such employee is in receipt of a regular wage at a rate of not less than R190 per month or to a service supply salesman, a traveller or a traveller's assistant, or to a general worker who accompanies a service supply salesman, if and for so long as such general worker is in receipt of a regular wage at a rate of not less than R10.50 per week.

(b) The provisions of subclauses (2), (3), (4) and (6) shall not apply to an employee while he is engaged on emergency work.

(c) The provisions of subclauses (2), (3) and (4) shall not apply to an employee who is engaged in the sale, installation, repair or demonstration of radios, refrigerators, knitting or sewing machines, vacuum cleaners, floor polishers or other similar electrical appliances or non-electrical knitting or sewing machines.

(d) The provisions of subclause (3) shall not apply to a chauffeur or to an employee engaged in delivering goods or in assisting on delivery vehicles, or to an outside shop assistant.

(e) The provisions of subclause (6) shall not apply to an employee engaged in tending, cleaning, feeding, harnessing or unharnessing animals.

(f) The provisions of this clause shall not apply to a watchman whose employer grants him a free period of 24 consecutive hours in respect of every week of employment: Provided that—

(i) he makes no deduction from his watchman's wage in respect thereof;

(ii) an employer may, in lieu of granting his watchman any such free period, pay such watchman the wage which he would have received if he had not worked during such period, plus an amount of not less than double his daily wage in respect of such free period not granted.

6. ANNUAL LEAVE

(1) Subject to the provisions of subclause (2), an employer shall grant to his employee, other than a casual employee, in respect of each completed period of 12 months of employment with him—

(a) in the case of a traveller, a traveller's assistant or a watchman who works a five day week, 18 consecutive work days' leave;

(b) in the case of any other traveller, traveller's assistant or watchman, 21 consecutive work days' leave;

(c) in the case of any other employee who works a five day week, 15 consecutive work days' leave;

(d) in the case of every other employee, 18 consecutive work days' leave and shall pay such employee in respect of such leave—

(i) in the case of an employee referred to in paragraph (a) or (b) an amount of not less than three and a half times the weekly wage which he was receiving immediately before the commencement of the leave;

(ii) in the case of an employee referred to in paragraph (c) or (d), an amount of not less than three times the weekly wage which he was receiving immediately before the commencement of the leave;

Provided that for the purpose of this clause the weekly wage of an employee who is employed on any basis provided for in clause 9 shall be calculated by dividing the total remuneration payable to him by virtue of clause 9 in respect of the 12 months immediately preceding the date of the accrual of his leave by 52 or if he has had less than 12 months of such employment, by dividing the total remuneration so payable to him during his period of such employment by the number of completed weeks in such period.

(2) The leave prescribed in subclause (1) shall be granted at a time to be fixed by the employer: Provided that—

(i) if such leave has not been granted earlier, it shall, save as provided in subclause (3), be granted so as to commence within four months after the completion of the 12 months of employment to which it relates or, if the employer and employee have agreed thereto in writing before the expiration of the said period of four months, the employer may grant such leave to the employee as from a date not later than two months after the expiration of the said period of four months;

(ii) die tydperk van verlof nie met siekteverlof wat ingevolge klousule 7 verleen is of, tensy die werknemer dit versoek en die werkgewer skriftelik daartoe instem, met enige tydperk van militêre opleiding ingevolge die Verdedigingswet, 1957, mag saamval nie;

(iii) as 'n openbare vakansiedag binne die tydperk van sodanige verlof val, daar vir elke sodanige vakansiedag nog 'n werkdag by gemelde tydperk gevoeg moet word as 'n verdere tydperk van verlof en dat die werknemer vir elke sodanige dag wat bygevoeg word, 'n bedrag van minstens sy dagloon betaal moet word;

(iv) 'n werkgewer al die dae geleentheidsverlof wat op die skriftelike versoek van sy werknemer met volle betaling aan hom verleen is gedurende die tydperk van 12 maande diens waarop die verloftydperk betrekking het, van sodanige verloftydperk kan aftrek;

(v) wanneer 'n werkgewer van sy werknemer vereis om verlof te neem voor die verstryking van die 12 maande diens waarop dit betrekking het, die werkgewer aan sodanige werknemer die volle verloftydperk oploopbaar vir 12 maande diens, moet toestaan, en, met behoorlike inagneming van die toeval van enige verhogings ingevolge klousule 3, sodanige werknemer ten opsigte van sodanige verlof 'n bedrag betaal van minstens dié waarop die werknemer geregtig sou gewees het op die datum waarop die verlof in gewone omstandighede sou toeval: Met dien verstande dat waar 'n werknemer se diens eindig voor die verstryking van die 12 maande ten opsigte waarvan die verlof ingevolge hierdie voorbehoudsbepaling toegestaan is, die werkgewer die verskil tussen die bedrag aan die werknemer betaal ingevolge hiervan en die bedrag waarop hy geregtig sou gewees het by diensbeëindiging ingevolge subklousule (5), indien die verlof nie aan hom toegestaan was nie, van enige besoldiging aan die werknemer verskuldig by diensbeëindiging kan aftrek.

(3) (a) Op die skriftelike versoek van sy werknemer kan 'n werkgewer toelaat dat die verlof oor 'n tydperk van hoogstens 24 maande diens oploop: Met dien verstande dat—

(i) sodanige werknemer so 'n versoek doen binne vier maande na verstryking van die eerste tydperk van 12 maande diens waarop die verlof betrekking het; en

(ii) die werkgewer die datum van ontvangs van sodanige versoek daarop aanbring en dit onderteken en die versoek tot minstens na verstryking van die verloftydperk bewaar.

(b) Die bepalinge van subklousule (2) is *mutatis mutandis* van toepassing op die verlof in hierdie subklousule bedoel.

(4) Die besoldiging ten opsigte van die verlof voorgeskryf by subklousule (1), gelees met subklousule (3), moet uiterlik op die laaste werkdag voor die aanvangsdatum van die verlof betaal word of, op die skriftelike versoek van 'n werknemer uiterlik op die eerste betaaldag van sodanige werknemer na die verstryking van die verlof.

(5) Aan 'n werknemer wie se diens gedurende enige dienstermyn van 12 maande eindig voordat die verloftydperk voorgeskryf by subklousule (1) ten opsigte van so 'n termyn opgeloopt het, moet daar by sodanige diensbeëindiging, benewens enige ander besoldiging wat aan hom verskuldig mag wees, vir elke voltooide maand van sodanige dienstermyn 'n bedrag betaal word van minstens—

(a) in die geval van 'n werknemer in paragraaf (a) of (b) van subklousule (1) bedoel, sewe vier-en-twintigstes van die weekloon; en

(b) in die geval van 'n werknemer in paragraaf (c) of (d) van subklousule (1) bedoel, een-kwart van die weekloon, wat hy onmiddellik voor die datum van sodanige diensbeëindiging ontvang het: Met dien verstande dat—

(i) as 'n werknemer se dienskontrak eindig nadat hy minstens ses maande diens gedurende enige sodanige tydperk van 12 maande gehad het op 'n tyd wanneer hy meer as twee weke diens maar nie 'n voltooide maand gehad het nie, so 'n onvoltooide maand by die toepassing van hierdie subklousule geag word 'n voltooide maand te wees;

(ii) 'n werknemer wie se dienskontrak eindig voordat hy 12 maande diens by sy werkgewer voltooi het, nie geregtig is op meer as een-kwart van genoemde weekloon nie, in die geval van 'n werknemer in paragraaf (a) van subklousule (1) genoem, en vyf vier-en-twintigstes van genoemde weekloon, in die geval van alle ander werknemers, ten opsigte van elke voltooide maand diens;

(iii) 'n werknemer wat sy diens verlaat sonder om die kennis te gee en die kennisgewingstermyn uit te dien wat by klousule 12 voorgeskryf word, tensy hy by versuim om sodanige kennis te gee of om gedurende sodanige kennisgewingstermyn te werk, regtens handel, op geen betaling uit hoofde van hierdie subklousule geregtig is nie;

(ii) the period of leave shall not be concurrent with sick leave granted in terms of clause 7 nor with a period of notice of termination of employment, nor, unless the employee so requests and the employer agrees in writing, with any period of military training under the Defence Act, 1957;

(iii) if a public holiday falls within the period of such leave, another work day shall, for each such holiday, be added to the said period as a further period of leave and the employee shall be paid an amount of not less than his daily wage in respect of each such day added;

(iv) an employer may set off against such period of leave any days of occasional leave granted on full pay to his employee at his employee's written request during the period of 12 months of employment to which the period of leave relates;

(v) when an employer requires his employees to take leave before the expiration of the 12 months of employment to which it relates, the employer shall grant such employee the full period of leave accruable for 12 months of employment and, with due regard to the accrual of any increments in terms of clause 3, shall pay such employee in respect of such leave an amount not less than that which the employee would be entitled to at the date on which the leave would normally accrue: Provided that where an employee's employment terminates before the expiration of the 12 months in respect of which the leave was granted in terms of this proviso, the employer may set-off, against any remuneration due to the employee at the termination of employment, the difference between the amount paid to the employee in terms hereof and the amount to which he would have been entitled at termination in terms of subclause (5), if the leave had not been granted to him.

(3) (a) At the written request of an employee, an employer may permit the leave to accumulate over a period of not more than 24 months of employment: Provided—

(i) that such request is made by such employee not later than four months after the expiration of the first period of 12 months of employment to which the leave relates; and

(ii) that the date of the receipt of such request is endorsed on the request over his signature by the employer, who shall retain the request at least until after the expiration of the period of leave.

(b) The provisions of subclause (2) shall *mutatis mutandis* apply to the leave referred to in this subclause.

(4) The remuneration in respect of the leave prescribed in subclause (1), read with subclause (3), shall be paid not later than the last work-day before the date of commencement of the leave or, upon the written request of an employee not later than the first pay-day for such employee after the expiration of the leave.

(5) An employee whose employment terminates during any period of 12 months of employment before the period of leave prescribed in subclause (1) in respect of that period has accrued, shall, upon such termination, and in addition to any other remuneration which may be due to him, be paid in respect of each completed month of such period of employment an amount of not less than—

(a) in the case of an employee referred to in paragraph (a) or (b) of subclause (1), seven twenty-fourths, and

(b) in the case of an employee referred to in paragraph (c) or (d) of subclause (1), one-fourth,

of the weekly wage he was receiving immediately before the date of such termination: Provided that—

(i) if an employee's contract of employment terminates after he has had not less than six months employment during any such period of 12 months at a time when he has had more than two weeks of employment but not a completed month such uncompleted month shall be deemed for the purpose of this subclause to be a completed month;

(ii) an employee whose contract of employment terminates before he has completed 12 months employment with his employer shall not be entitled to more than one-fourth of the said weekly wage, in the case of an employee mentioned in paragraph (a) of subclause (1), and five twenty-fourths of the said weekly wage, in the case of any other employee, in respect of each completed month of employment;

(iii) an employee, who leaves his employment without having given and served period of notice prescribed in clause 12, unless in failing to give such notice or to work during such period he was acting within his legal rights, shall not be entitled to any payment by virtue of this subclause;

(iv) 'n werkgewer 'n eweredige aftrekking kan maak ten opsigte van enige verloftydperk aan 'n werknemer toegestaan ingevolge die derde voorbehoudsbepaling van subklousule (2).

(6) 'n Werknemer wat geregtig geword het op 'n tydperk van verlof voorgeskryf by subklousule (1), gelees met subklousule (3), en wie se diens eindig voordat sodanige verlof verleen is, moet by sodanige diensbeëindiging die bedrag betaal word wat hy ten opsigte van die verlof sou ontvang het as die verlof op die datum van diensbeëindiging aan hom verleen was.

(7) By die toepassing van hierdie klousule word die uitdrukking "diens" geag te omvat—

(a) enige tydperk ten opsigte waarvan 'n werkgewer 'n werknemer ingevolge klousule 12 betaal in plaas van kennis te gee;

(b) enige tydperk wat 'n werknemer afwesig is—

(i) met verlof ingevolge hierdie klousule;

(ii) met siekteverlof ingevolge klousule 7;

(iii) op las of versoek van sy werkgewer;

(iv) met die toestemming of kondonering van sy werkgewer;

(v) om enige ander rede wat nie 'n verbreking van die dienskontrak is nie;

en wel tot 'n totaal, in enige jaar, van hoogstens 10 weke; en

(c) enige tydperk wat 'n werknemer afwesig is vir militêre opleiding ingevolge die Verdedigingswet, 1957: Met dien verstande dat 'n werknemer nie geregtig is om meer as vier maande van enige sodanige opleidingstydperk as diens te eis nie,

en word diens geag te begin—

(i) in die geval van 'n werknemer wat voor die inwerking-treding van hierdie Vasstelling kragtens enige wet op 'n tydperk van jaarlikse verlof geregtig geword het, op die datum waarop sodanige werknemer laas kragtens sodanige wet op verlof geregtig geword het;

(ii) in die geval van 'n werknemer wat voor die datum van inwerking-treding van hierdie Vasstelling in diens was en op wie enige wet wat vir jaarlikse verlof voorsiening maak, van toepassing was maar wat nog nie daarkragtens op 'n tydperk van verlof geregtig geword het nie, op die aanvangsdatum van sodanige diens;

(iii) in die geval van enige ander werknemer, op die datum waarop sodanige werknemer by sy werkgewer in diens getree het of op die datum van inwerking-treding van hierdie Vasstelling, en wel op die jongste van die twee datums.

7. SIEKTEVERLOF

(1) Behoudens die bepaling van subklousule (2), moet 'n werkgewer aan sy werknemer, uitgesonderd 'n los werknemer, wat weens ongeskiktheid van die werk afwesig is, siekteverlof verleen van—

(a) in die geval van 'n werknemer wat vyf dae per week werk, altesaam minstens 30 werkdade; en

(b) in die geval van enige ander werknemer, altesaam minstens 36 werkdade;

gedurende elke tydkring van 36 agtereenvolgende maande diens by hom, en moet hy sodanige werknemer ten opsigte van enige tydperk van afwesigheid ingevolge hierdie subklousule minstens die loon betaal wat hy sou ontvang het as hy gedurende sodanige tydperk gewerk het: Met dien verstande dat—

(i) gedurende die eerste 12 agtereenvolgende maande diens 'n werknemer nie op meer siekteverlof met volle betaling geregtig is nie as, in die geval van 'n werknemer met 'n werkweek van vyf dae, een werkdag ten opsigte van elke voltooide tydperk van vyf weke diens, en in die geval van enige ander werknemer, een werkdag ten opsigte van elke voltooide maand diens;

(ii) hierdie klousule nie van toepassing is nie op 'n werknemer op wie se skriftelike versoek 'n werkgewer bydraes wat minstens gelyk is aan dié wat die werknemer self bydra, aan 'n fonds of organisasie betaal wat die werknemer aanwys en wat die werknemer waarborg dat, in geval van sy ongeskiktheid in die omstandighede in hierdie klousule vermeld, altesaam minstens die ekwivalent van sy loon vir 30 of 36 werkdade, na gelang van die geval, in elke tydkring van 36 maande diens aan hom betaal sal word;

(iii) waar 'n werkgewer ingevolge 'n wet gelde vir hospitaal-of mediese behandeling ten opsigte van 'n werknemer moet betaal en sodanige gelde wel betaal ten opsigte van enige ongeskiktheid, die bedrag wat aldus betaal is, afgetrek kan word van die bedrag wat ingevolge hierdie klousule ten opsigte van afwesigheid weens ongeskiktheid verskuldig is;

(iv) indien daar by 'n ander wet van 'n werkgewer vereis word om 'n werknemer sy volle loon te betaal ten opsigte van 'n tydperk van ongeskiktheid waarvoor hierdie klousule voorsiening maak, die bepaling van hierdie klousule nie van toepassing is nie.

(iv) an employer may make a proportionate deduction in respect of any period of leave granted to an employee in terms of the fourth proviso to subclause (2).

(6) An employee who has become entitled to a period of leave prescribed in subclause (1), read with subclause (3), and whose employment terminates before such leave has been granted, shall upon such termination be paid the amount he would have received in respect of the leave, had the leave been granted to him as at the date of the termination.

(7) For the purpose of this clause the expression "employment" shall be deemed to include—

(a) any period in respect of which an employer, in terms of clause 12, pays an employee in lieu of notice;

(b) any period during which an employee is absent—

(i) on leave in terms of this clause;

(ii) on sick leave in terms of clause 7;

(iii) on the instructions or at the request of his employer;

(iv) with the consent or condonation of his employer;

(v) for any other reason not being in breach of the contract of employment;

amounting in the aggregate in any year to not more than 10 weeks; and

(c) any period during which an employee is absent undergoing military training in pursuance of the Defence Act, 1957: Provided that an employee shall not be entitled to claim as employment more than four months of any one period of such training,

and employment shall be deemed to commence—

(i) in the case of an employee who had before the coming into force of this Determination become entitled to a period of annual leave in terms of any law, on the date on which such employee last became entitled to such leave under such law;

(ii) in the case of an employee who was in employment before the coming into force of this Determination and to whom any law providing for annual leave applied but who had not become entitled to a period of leave in terms thereof, on the date on which such employment commenced;

(iii) in the case of any other employee, from the date on which such employee entered his employer's service or on the date of the coming into force of this Determination whichever is the later.

7. SICK LEAVE

(1) Subject to the provisions of subclause (2), an employer shall grant to his employee, other than a casual employee, who is absent from work through incapacity—

(a) in the case of an employee who works a five-day week, not less than 30 work days; and

(b) in the case of every other employee, not less than 36 work days;

sick leave in the aggregate during each cycle of 36 consecutive months of employment with him, and shall pay such employee in respect of any period of absence in terms of this subclause not less than the wage he would have received had he worked during such period: Provided that—

(i) in the first 12 consecutive months of employment an employee shall not be entitled to sick leave on full pay at a rate of more than, in the case of an employee who works a five-day week, one work day in respect of each completed period of five weeks of employment and, in the case of every other employee, one work day in respect of each completed month of employment;

(ii) this clause shall not apply to an employee at whose written request an employer makes contributions, at least equal to those made by the employee, to any fund or organisation nominated by the employee, which fund or organisation guarantees to the employee in the event of his incapacity in the circumstances set out in the clause the payment to him of not less than in the aggregate the equivalent of his wage for 30 or 36 work days, as the case may be, in each cycle of 36 months of employment;

(iii) where an employer is by any law required to pay fees for hospital or medical treatment in respect of an employee, and pays such fees in respect of any incapacity the amount so paid may be set off against the payment due in respect of absence owing to incapacity in terms of this clause;

(iv) if in respect of any period of incapacity covered by this clause an employer is required by any other law to pay to an employee his full wages, the provisions of this clause shall not apply.

(2) 'n Werkgewer mag, as 'n opskortende voorwaarde vir die betaling, deur hom, van 'n bedrag wat 'n werknemer ooreenkomstig hierdie klousule eis ten opsigte van enige afwesigheid van sy werk vir 'n tydperk van langer as twee agtereenvolgende dae, van die werknemer vereis om 'n sertifikaat voor te lê wat deur 'n geregistreerde mediese praktisyn onderteken is en wat die aard en duur van die werknemer se ongeskiktheid meld: Met dien verstande dat, wanneer 'n werknemer gedurende enige tydperk van hoogstens agt weke by twee of meer geleenthede betaling ingevolge hierdie klousule ontvang het sonder om so 'n sertifikaat voor te lê, sy werkgewer gedurende die tydperk van agt weke onmiddellik na die laaste sodanige geleentheid van hom mag vereis om so 'n sertifikaat ten opsigte van enige afwesigheid voor te lê.

(3) By die toepassing van hierdie klousule—

(a) word die uitdrukking "diens" geag te omvat—

(i) enige tydperk wat 'n werknemer afwesig is—

(aa) met verlof ingevolge klousule 6;

(bb) op las of versoek van sy werkgewer;

(cc) met siekteverlof ingevolge subklousule (1);

(dd) met die toestemming of kondonering van sy werkgewer;

(ee) om enige ander rede wat nie 'n verbreking van die dienskontrak is nie;

en wat in enige jaar altesaam hoogstens 10 weke beloop; en

(ii) enige tydperk wat 'n werknemer afwesig is vir militêre opleiding ingevolge die Verdedigingswet, 1957: Met dien verstande dat 'n werknemer nie geregtig is om meer as vier maande van een sodanige opleidingstydperk as diens te eis nie,

en word enige tydperk van diens by dieselfde werkgewer onmiddellik voor die datum van inwerkingtreding van hierdie Vastelling vir die toepassing van hierdie klousule geag diens ingevolge hierdie Vastelling te wees, en word alle siekteverlof wat met volle betaling aan so 'n werknemer gedurende sodanige tydperk verleen is, geag ingevolge hierdie Vastelling verleen te wees;

(b) beteken "ongeskiktheid" onvermoë om te werk weens siekte of besering, behalwe siekte of besering wat deur 'n werknemer se eie wangedrag veroorsaak is: Met dien verstande dat sodanige onvermoë om te werk wat veroorsaak is deur 'n ongeluk waarvoor vergoeding kragtens die Ongevallewet, 1941, betaalbaar is, slegs as ongeskiktheid beskou word gedurende 'n tydperk ten opsigte waarvan geen ongeskiktheidsbetaling ingevolge daardie Wet betaalbaar is nie.

8. OPENBARE VAKANSIEDAE EN SONDAE

(1) Behoudens die bepalings van klousules 4 (6) en 6 (2), moet 'n werkgewer aan 'n werknemer, uitgesonderd 'n los werknemer, wat nie op 'n openbare vakansiedag werk nie, minstens sy weekloon betaal vir die week waarin so 'n dag val.

(2) Wanneer 'n werknemer op 'n openbare vakansiedag werk, moet sy werkgewer hom, behoudens die bepalings van klousule 4 (6), vir die week waarin so 'n dag val, minstens sy weekloon betaal en moet hy hom daarbenewens betaal—

(a) 'n bedrag bereken teen minstens sy gewone loon ten opsigte van die totale tydperk deur hom op so 'n openbare vakansiedag gewerk, of sy dagloon, watter ook al die grootste is;

(b) 'n bedrag bereken teen minstens een-derde van sy gewone loon vir die totale tydperk deur hom op so 'n openbare vakansiedag gewerk en hom binne 14 dae na so 'n openbare vakansiedag een dag verlof verleen en hom ten opsigte daarvan minstens sy dagloon betaal.

(3) Wanneer 'n werknemer op 'n Sondag werk, moet sy werkgewer of—

(a) die werknemer—

(i) indien hy aldus vir 'n tydperk van hoogstens vier uur werk, minstens sy dagloon betaal;

(ii) indien hy aldus vir 'n tydperk van meer as vier uur werk, teen minstens dubbel sy gewone loon ten opsigte van die hele tydperk wat hy op sodanige Sondag werk, of minstens dubbel sy dagloon betaal, en wel die bedrag wat die grootste is; of

(b) hom teen minstens een en 'n derde maal sy gewone loon betaal ten opsigte van die hele tydperk wat hy op sodanige Sondag werk, en hom binne 14 dae vanaf sodanige Sondag een dag verlof verleen en hom ten opsigte daarvan minstens sy dagloon betaal: Met dien verstande dat, waar daar van sodanige werknemer vereis of hy toegelaat word om minder as vier uur op sodanige Sondag te werk daar geag moet word dat hy vier uur gewerk het.

(2) An employer may, as a condition precedent to the payment by him of any amount claimed in terms of this clause by an employee in respect of any absence from work for a period covering more than two consecutive days, require the employee to produce a certificate signed by a registered medical practitioner stating the nature and duration of the employee's incapacity: Provided that when an employee has during any period of up to eight weeks received payment in terms of this clause on two or more occasions without producing such a certificate his employer may during the period of eight weeks immediately succeeding the last such occasion require him to produce such a certificate in respect of any absence from work.

(3) For the purpose of this clause the expression—

(a) "employment" shall be deemed to include—

(i) any period during which an employee is absent—

(aa) on leave in terms of clause 6;

(bb) on the instructions or at the request of his employer;

(cc) on sick leave in terms of subclause (1);

(dd) with the consent or condonation of his employer;

(ee) for any reason not being in breach of the contract of employment;

amounting in the aggregate, in any year, to not more than 10 weeks, and

(ii) any period during which an employee is absent undergoing military training in pursuance of the Defence Act, 1957: Provided that an employee shall not be entitled to claim as employment more than four months of any one period of such training,

and any period of employment which an employee has had with the same employer immediately before the date of the coming into force of this Determination shall for the purpose of this clause be deemed to be employment under this Determination, and any sick leave on full pay granted to such an employee during such period shall be deemed to have been granted under this Determination;

(b) "incapacity" mean inability to work owing to any sickness or injury other than sickness or injury caused by an employee's own misconduct: Provided that any such inability to work caused by an accident for which compensation is payable under the Workmen's Compensation Act, 1941, shall only be regarded as incapacity during any period in respect of which no disablement payment is payable in terms of that Act.

8. PUBLIC HOLIDAYS AND SUNDAYS

(1) Subject to the provisions of clauses 4 (6) and 6 (2), if an employee, other than a casual employee, does not work on a public holiday, his employer shall pay him for the week in which such day falls not less than his weekly wage.

(2) Whenever an employee works on a public holiday his employer shall, save as provided for in clause 4 (6), pay him for the week in which such public holiday falls not less than his weekly wage and pay him—

(a) an amount calculated at a rate of not less than his ordinary wage in respect of the total period worked by him on such holiday or his daily wage, whichever is the greater; or

(b) an amount calculated at a rate of not less than one-third of his ordinary wage for the total period worked by him on such public holiday, and grant him within 14 days of such public holiday one day's leave and pay him in respect thereof not less than his daily wage.

(3) Whenever an employee works on a Sunday, his employer shall either—

(a) pay the employee—

(i) if he so works for a period not exceeding four hours, not less than his daily wage;

(ii) if he so works for a period exceeding four hours, at a rate not less than double his ordinary wage in respect of the total period worked by him on such Sunday, or not less than double his daily wage, whichever is the greater; or

(b) pay him at a rate not less than one and one-third times his ordinary wage in respect of the total period worked by him on such Sunday and grant him within 14 days of such Sunday one day's leave and pay him in respect thereof not less than his daily wage: Provided that where such an employee is required or permitted to work for less than four hours on such Sunday he shall be deemed to have worked for four hours.

(4) Die bepalings van subklousules (2) en (3) is nie van toepassing nie—

(a) op 'n los werknemer, 'n handelsreisiger, 'n handelsreisiger se assistent of 'n wag;

(b) op enige werknemer indien en solank sodanige werknemer gereeld 'n loon teen minstens R190 per maand ontvang.

9. STUKWERK, KOMMISSIEWERK EN KOMMISSIE OP VERKOPE

(1) 'n Werkgewer mag, nadat hy minstens een week vooraf kennis aan sy werknemer, uitgesonderd 'n handelsreisiger, gegee het, 'n stukwerkstelsel invoer, en sodanige werkgewer moet, behoudens die bepalings van klousule 4 (6), sy werknemer wat volgens sodanige stukwerkstelsel werk, besoldig teen die tariewe wat ooreenkomstig sodanige stelsel van toepassing is: Met dien verstande dat die werkgewer, ongeag die hoeveelheid werk wat verrig is, die werknemer moet betaal—

(a) in die geval van 'n werknemer, uitgesonderd 'n los werknemer, vir elke week waarin stukwerk verrig word, minstens die bedrag wat hy so 'n werknemer vir daardie week sou moes betaal het as hy hom 'n tydloon betaal het;

(b) in die geval van 'n los werknemer, vir elke dag waarop stukwerk verrig word, minstens die bedrag wat hy so 'n werknemer vir daardie dag sou moes betaal het as hy hom 'n tydloon betaal het.

(2) 'n Werkgewer moet 'n lys van die besoldiging in subklousule (1) bedoel op 'n opvallende plek in sy bedryfsinrigting opgeplak hou, of hy kan in plaas daarvan alle werknemers wat stukwerk verrig, voorsien van 'n brief deur of namens hom onderteken waarin genoemde besoldiging aangegee word.

(3) 'n Werkgewer wat voornemens is om 'n bestaande stukwerkstelsel of die besoldiging wat daarvolgens van toepassing is, af te skaf of te wysig, moet aan sy werknemer wat volgens sodanige stelsel werk, minstens een maand kennis van sodanige voorneme gee: Met dien verstande dat 'n werkgewer en sy werknemer oor 'n langer kennisgewingstermyn ooreen kan kom, en in so 'n geval mag die werkgewer nie vir 'n korter termyn as dié waaroor daar ooreengekom is, kennis gee nie.

(4) Ondanks andersluidende bepalings in hierdie klousule hoef 'n werkgewer nie 'n los werknemer kennis te gee van sy voorneme om 'n stukwerkstelsel in te voer of af te skaf of te wysig nie.

(5) 'n Handelsreisiger wat volgens 'n ooreenkoms met sy werkgewer kommissiewerk onderneem, moet, voordat, sodanige werk begin, deur sy werkgewer voorsien word van 'n juiste kopie van die ooreenkoms of 'n verklaring wat die bepalings van die ooreenkoms bevat en wat moet insluit—

(a) die week- of maandloon aan die handelsreisiger betaalbaar, indien sodanige loon hoër is as dié wat by klousule 3 (1) vir so 'n handelsreisiger voorgeskryf word, asook die kommissietarief of -tariewe en die voorwaardes waarop hy die reg daarop verkry;

(b) die dag van die week of maand waarop die verdiende kommissie verskuldig en betaalbaar is;

(c) die gebied waarin daar van die handelsreisiger vereis word of hy toegelaat word om te werk;

(d) die tipe, beskrywing, getal, hoeveelheid of waarde van die bestellings (individueel, weekliks, maandeliks of hoe ook al) wat die werkgewer van tyd tot tyd bereid is om te aanvaar; en

(e) die dag waarop die kommissie op bestellings wat die werkgewer voor die beëindiging van die dienskontrak aanvaar het, betaal moet word: Met dien verstande dat sodanige betaaldag uiterlik die laaste werkdag moet wees van die maand wat volg op die maand waarin die diens beëindig is.

(6) Die bepalings van die ooreenkoms wat in subklousule (5) bedoel word, mag vir die handelsreisiger geldelik nie minder voordelig as die betrokke bepalings van hierdie Vasstelling wees nie: Met dien verstande dat die besoldiging van 'n handelsreisiger wat kommissiewerk verrig, betaalbaar is op die dag wat in die ooreenkoms bepaal word, en in hierdie opsig is die bepalings van klousule 4 (1) nie op sodanige betaling van toepassing nie.

(7) Behoudens die bepalings van klousule 4 (6), moet 'n werkgewer sy handelsreisiger wat kommissiewerk onderneem, minstens die besoldiging betaal waaroor hulle ooreengekom het: Met dien verstande dat, ongeag die getal of waarde van die bestellings wat die werkgewer aanvaar, die besoldiging van so 'n handelsreisiger vir elke tydperk nie minder mag wees nie as die wat ingevolge klousule 3 (1) vir daardie tydperk aan hom verskuldig sou wees.

(8) 'n Werkgewer of 'n handelsreisiger wat voornemens is om 'n ooreenkoms in verband met kommissiewerk op te sê of oor 'n wysiging daarvan te onderhandel, moet van sodanige voorneme skriftelik kennis gee en die termyn van sodanige kennisgewing mag nie korter wees nie as dié wat by klousule 12 vir die beëindiging van die dienskontrak van so 'n handelsreisiger vereis word.

(4) The provisions of subclauses (2) and (3) shall not apply—

(a) to a casual employee, a traveller, a traveller's assistant or a watchman;

(b) to any employee if and for so long as such employee is in receipt of a regular wage at a rate of not less than R190 per month.

9. PIECE-WORK, COMMISSION WORK AND COMMISSION ON SALES

(1) An employer may, after at least one week's notice to his employee, other than a traveller, introduce any piece-work system and, save as provided in clause 4 (6), the employer shall pay such employee, who is employed on such piece-work system, remuneration at the rates applicable under such system: Provided that, irrespective of the quality of work done, the employer shall pay such employee not less than—

(a) in the case of an employee, other than a casual employee, in respect of each week in which piece-work is performed, the amount which he would have been required to pay such employee for that week had he been remunerated on the basis of time worked;

(b) in the case of a casual employee, in respect of each day on which piece-work is performed the amount which he would have been required to pay such employee for that day had he been remunerated on the basis of time worked.

(2) An employer shall keep posted up in a conspicuous place in his establishment a schedule of the rates referred to in subclause (1) or he may in lieu thereof supply every employee engaged on piece-work with a letter signed by himself, or on his behalf, setting out the said rates.

(3) An employer who intends to cancel or amend any piece-work system in operation or the rates applicable thereunder shall give his employee employed on such system not less than one month's notice of such intention: Provided that an employer and his employee may agree on a longer period of notice, in which case the employer shall give not less than the period of notice agreed upon.

(4) Notwithstanding anything to the contrary in this clause, an employer need not give a casual employee notice of his intention to introduce any piece-work system or to cancel or amend it.

(5) A traveller who by agreement with his employer undertakes commission work shall be supplied by his employer, before such work is commenced, with a true copy of the agreement or a statement setting out the terms of the agreement, which shall include—

(a) the weekly or monthly wage payable to the traveller, where such wage is higher than that prescribed in clause 3 (1) for such traveller, and the rate or rates of the commission and the conditions of entitlement thereto;

(b) the day of the week or month on which commission earned is due and payable;

(c) the area in which the traveller is required or permitted to work;

(d) the type, description, number, quantity or value of orders (individual, weekly, monthly or otherwise) which the employer is from time to time prepared to accept; and

(e) the day of payment of commission in respect of orders accepted by the employer before termination of the contract of employment: Provided that such day of payment shall be not later than the last work day of the month succeeding the month during which employment was terminated.

(6) The terms of the agreement referred to in subclause (5) shall be financially not less favourable to the traveller than this Determination: Provided that the due date of payment of remuneration to a traveller on commission work shall be in accordance with the agreement and in this respect the provisions of clause 4 (1) shall not apply to such payment.

(7) Save as provided in clause 4 (6), an employer shall pay to his traveller who is employed on commission work remuneration at not less than the rate agreed upon between them; Provided that, irrespective of the number or value of orders accepted by the employer, the remuneration of such traveller in respect of any period shall be not less than that which would be due to him for that period in terms of clause 3 (1).

(8) An employer or a traveller, who intends to cancel, or to negotiate for an alteration of, an agreement in regard to commission work, shall give written notice of such intention and the period of such notice shall be not less than that required to terminate the contract of employment of such traveller in terms of clause 12.

(9) 'n Werkgewer kan met sy werknemer, uitgesonderd 'n handelsreisiger, ooreenkom om sodanige werknemer benewens die loon vir sodanige werknemer in klousule 3 (1), gelees met klousule 5 (7), voorgeskryf, kommissie te betaal op verkope deur sodanige werknemer gedoen: Met dien verstande dat die werk-gewer die werknemer, voordat die Ooreenkoms in werking tree, moet voorsien van 'n kopie van die Ooreenkoms wat die volgende moet omvat:

(a) Die kommissietarief of -tariewe en die voorwaardes waarop hy daarop geregtig word;

(b) die dag van die week of maand waarop kommissie wat verdien is, verskuldig en betaalbaar is;

(c) die tydperk wat die werk-gewer of sy werknemer vooraf kennis moet gee om die Ooreenkoms te kanselleer, of om oor 'n wysiging daarvan te onderhandel, sodanige tydperk moet minstens so lank wees as dié vir die beëindiging van die diens-kontrak van sodanige werknemer ingevolge klousule 12 en moet skriftelik geskied.

(10) Die bepalinge van klousule 4 (1) is nie van toepassing op kommissie verskuldig ingevolge subklousule (9) nie, maar die betaling van sodanige kommissie moet in ooreenstemming met die Ooreenkoms geskied.

10. GETALSVERHOUDINGS

(1) *Versteller*.—'n Werk-gewer mag nie 'n ongekwalifiseerde versteller in diens neem nie tensy hy 'n gekwalifiseerde versteller in sy diens het, en vir elke gekwalifiseerde versteller in sy diens mag hy hoogstens een ongekwalifiseerde versteller in diens neem.

(2) *Vroulike winkelassistent*.—'n Werk-gewer mag nie 'n ongekwalifiseerde vroulike winkelassistent in diens neem nie tensy hy 'n gekwalifiseerde vroulike of manlike winkelassistent in sy diens het, en vir elke gekwalifiseerde vroulike of manlike winkel-assistent of toesighouer in sy diens mag hy hoogstens twee ongekwalifiseerde vroulike winkelassistentente in diens neem.

(3) *Manlike winkelassistent*.—'n Werk-gewer mag nie 'n ongekwalifiseerde manlike winkelassistent in diens neem nie tensy hy 'n gekwalifiseerde manlike winkelassistent in sy diens het, en vir elke gekwalifiseerde manlike winkelassistent of manlike toesighouer in sy diens mag hy hoogstens een ongekwalifiseerde manlike winkelassistent in diens neem.

(4) *Deeltydse werknemer*.—(a) 'n Werk-gewer mag nie 'n deeltydse werknemer as 'n winkelassistent in diens neem nie tensy hy minstens een voltydse winkelassistent in sy diens het, en vir elke vier of gedeelte van vier voltydse winkelassistentente benewens die eerste vier in sy diens mag hy hoogstens een deeltydse werknemer as winkelassistent in diens neem.

(b) 'n Werk-gewer mag nie 'n deeltydse werknemer as 'n versteller in diens neem nie tensy hy minstens een voltydse versteller in sy diens het, en vir elke vier of gedeelte van vier voltydse verstellere benewens die eerste vier in sy diens mag hy hoogstens een deeltydse versteller in diens neem.

(5) Subklousules (2) en (3) is *mutatis mutandis* op deeltydse werknemers van toepassing, maar deeltydse werknemers word nie ingereken by die berekening van die getal voltydse ongekwalifiseerde winkelassistentente wat in diens geneem mag word nie.

(6) 'n Werk-gewer mag nie 'n winkelhulp in diens neem nie tensy hy 'n gekwalifiseerde winkelassistent in sy diens het, en vir elke gekwalifiseerde winkelassistent in sy diens mag hy hoogstens drie winkelhulpe in diens neem: Met dien verstande dat 'n werk-gewer of 'n bestuurder wat uitsluitlik of hoofsaaklik die werk van 'n winkelassistent verrig by die toepassing van hierdie subklousule as 'n gekwalifiseerde winkelassistent geag mag word.

(7) By die toepassing van hierdie klousule—

(a) kan 'n werk-gewer of 'n bestuurder wat uitsluitlik of hoofsaaklik die werk van enige besondere klas werknemer verrig, as 'n gekwalifiseerde werknemer in so 'n klas geag word: Met dien verstande dat 'n werk-gewer of bestuurder nie in meer as een bedryfsinrigting aldus geag kan word nie;

(b) word die uitdrukking "winkelassistent" geag 'n klerk in te sluit en hierdie twee klasse werknemers mag ondermekaar uitgeruil word;

(c) kan 'n ongekwalifiseerde werknemer wat 'n loon ontvang van minstens die loon voorgeskryf vir 'n gekwalifiseerde werknemer van sy klas as 'n gekwalifiseerde werknemer in daardie klas geag word;

(d) kan 'n vroulike winkelassistent of 'n vroulike toesighouer wat 'n loon ontvang van minstens die loon voorgeskryf vir 'n gekwalifiseerde manlike winkelassistent as 'n gekwalifiseerde manlike winkelassistent geag word.

(8) Niks in hierdie klousule moet so vertolk word dat dit die indiensneming van sowel 'n ongekwalifiseerde vrou ingevolge subklousule (2) as 'n ongekwalifiseerde man ingevolge subklousule (3) vir dieselfde gekwalifiseerde werknemer toelaat nie.

(9) Hierdie klousule is afsonderlik op elke bedryfsinrigting van 'n werk-gewer van toepassing.

(9) An employer may agree with his employee, other than a traveller, to pay to such employee, in addition to the wage prescribed for such employee in clause 3 (1), read with clause 5 (7), commission on sales effected by such employee: Provided that the employer shall, before the agreement comes into operation, supply the employee with a copy of the agreement, which agreement shall include—

(a) the rate or rates of the commission and the conditions of entitlement;

(b) the day of the week or month when commission earned is due and payable;

(c) the period of notice, which shall be not less than that required to terminate the contract of employment of such employee in terms of clause 12 and which notice shall be in writing, to be given by the employer or his employee to cancel, or to negotiate for an alteration of, the agreement.

(10) The provisions of clause 4 (1) shall not apply to commission due in terms of subclause (9), but the payment of such commission shall be made in accordance with the agreement.

10. RATIO

(1) *Alteration hand*.—An employer shall not employ an unqualified alteration hand unless he has in his employ a qualified alteration hand and for each qualified alteration hand in his employ he shall not employ more than one unqualified alteration hand.

(2) *Female shop assistant*.—An employer shall not employ an unqualified female shop assistant unless he has in his employ a qualified female or male shop assistant and for each qualified female female or male shop assistant or supervisor in his employ he shall not employ more than two unqualified female shop assistants.

(3) *Male shop assistant*.—An employer shall not employ an unqualified male shop assistant unless he has in his employ a qualified male shop assistant and for each qualified male shop assistant or male supervisor in his employ he shall not employ more than one unqualified male shop assistant.

(4) *Part-time employee*.—(a) An employer shall not employ a part-time employee as a shop assistant unless he has at least one full-time shop assistant in his employ and for each four or part of four full-time shop assistants additional to the first four in his employ he shall not employ more than one part-time employee as a shop assistant.

(b) An employer shall not employ a part-time employee as an alteration hand unless he has at least one full-time alteration hand in his employ and for each four or part of four full-time alteration hands additional to the first four in his employ he shall not employ more than one part-time alteration hand.

(5) Subclauses (2) and (3) shall apply *mutatis mutandis* to part-time employees but part-time employees shall not be reckoned in computing the number of full-time unqualified shop assistants who may be employed.

(6) An employer shall not employ a shop attendant unless he has in his employ a qualified shop assistant and for each qualified shop assistant in his employ he shall not employ more than three shop attendants: Provided that for the purpose of this sub-clause an employer or a manager who is wholly or mainly engaged in the work of a shop assistant may be deemed to be a qualified shop assistant.

(7) For the purpose of this clause—

(a) an employer or a manager who is wholly or mainly engaged in the work of any particular class of employee may be deemed to be a qualified employee in such class: Provided that an employer or a manager may not be so deemed in more than one establishment;

(b) the expression "shop assistant" shall be deemed to include a clerk and these two classes of employee shall be interchangeable with one another;

(c) an unqualified employee who is receiving a wage of not less than the wage prescribed for a qualified employee of his class may be deemed to be a qualified employee in that class;

(d) a female shop assistant or a female supervisor who is receiving a wage of not less than the wage prescribed for a qualified male shop assistant may be deemed to be a qualified male shop assistant.

(8) Nothing in this clause shall be construed so as to permit of the employment of both an unqualified female in terms of sub-clause (2) and an unqualified male in terms of subclause (3) for the same qualified employee.

(9) This clause shall apply separately to each establishment of an employer.

(10) Gedurende die tydperk 1 Desember tot en met 31 Desember is die bepaling van subklousules (1), (2), (3) en (4) nie op skoliere of universiteits studente wat as ongekwalifiseerde werknemers in diens is van toepassing nie.

11. UNIFORMS, OORPAKKE EN BESKERMENDE KLERE

(1) 'n Werkgewer moet minstens twee oorpakke of wasbare jasse per jaar kosteloos verskaf aan sy werknemer wat voedsel, gebak of kruidentersware regstreeks aan die publiek verkoop, en dit kosteloos skoon en in goeie toestand hou.

(2) In reënweer moet 'n werkgewer sy werknemer wat in die uitvoering van sy pligte gereeld aan die weer blootgestel is, kosteloos voorsien van diensbare waterdigte beskerming vir die kop en bene en 'n waterdigte mantel, en sulke artikels bly die eiendom van die werkgewer. Met dien verstande dat 'n werkgewer in plaas van sulke artikels aan so 'n werknemer te verskaf, benewens enige ander besoldiging aan sodanige werknemer verskuldig, aan hom 'n toelae van minstens R0.35 per maand kan betaal.

(3) 'n Werkgewer moet sy handelsreisiger se assistent kosteloos van minstens een diensbare stofjas per jaar voorsien.

(4) 'n Werkgewer moet sy algemene werker wat vloere met die hand skrop of was gratis van diensbare kniekussings voorsien.

(5) 'n Werkgewer wat van sy werknemer vereis om enige vorm van nie-wasbare beskermende klere soos bv. waterdigte mantels, oorpakke of beskermende stewels of voorskote te dra, moet sodanige beskermende klere kosteloos verskaf, en in 'n skoon en diensbare toestand hou.

(6) 'n Werkgewer wat van sy werknemer vereis om 'n uniform, oorpak, wasbare jas, voorskoot of pet of mus te dra, moet sodanige kledingstuk of artikel gratis verskaf en was en stryk of skoonmaak en dit in 'n behoorlike toestand hou, en sodanige kledingstuk of artikel bly die eiendom van die werkgewer.

(7) 'n Werkgewer en sy werknemer kan ooreenkom dat in plaas van die versorging en was en stryk of skoonmaak van enige kledingstuk of artikel in subklousules (1) en (6) genoem, die werkgewer aan sy werknemer, benewens enige ander besoldiging aan 'n werknemer verskuldig, 'n toelae van minstens R0.15 per kledingstuk of artikel per week moet betaal, en die werknemer is dan verantwoordelik vir die versorging, uitgesonderd groot herstelwerk, en die was en stryk of skoonmaak van die kledingstuk of artikel.

12. BEÏNDIGING VAN DIENSKONTRAK

(1) 'n Werkgewer of sy werknemer, uitgesonderd 'n los werknemer, wat die dienskontrak wil beëindig, moet—

(a) gedurende die eerste vier weke diens, minstens een werkdag;

(b) in die geval van 'n weeklikse werknemer, een week na die eerste vier weke diens;

(c) in die geval van 'n maandelikse werknemer, twee weke na die eerste vier weke diens;

vooraf kennis van die beëindiging van die kontrak gee of 'n werkgewer of 'n werknemer kan die kontrak sonder kennisgewing beëindig deur, in plaas van sodanige kennisgewing, aan die werknemer of die werkgewer, na gelang van die geval, te betaal—

(i) in die geval van een werkdag kennisgewing, minstens die dagloon wat die werknemer ten tyde van sodanige beëindiging ontvang;

(ii) in die geval van een week kennisgewing, minstens die weekloon wat die werknemer ten tyde van sodanige beëindiging ontvang;

(iii) in die geval van twee weke kennisgewing, dubbel die weekloon wat die werknemer ten tyde van sodanige beëindiging ontvang;

Met dien verstande dat—

(i) (a) die reg van 'n werkgewer of 'n werknemer om die kontrak op 'n regsgeldige grond sonder kennisgewing te beëindig;

(b) 'n skriftelike ooreenkoms tussen 'n werkgewer en sy werknemer waarin voorsiening gemaak word vir 'n kennisgewingstermyn wat vir beide partye ewe lank is en langer is as dié wat in hierdie klousule voorgeskryf word;

(c) die werking van 'n verbeuring of boete wat regtens van toepassing mag wees op 'n werknemer wat dros;

nie hierdeur geraak word nie;

(ii) betaling in plaas van kennis nie mag geskied nie gedurende 'n werknemer se afwesigheid—

(a) met verlof ingevolge klousule 6;

(b) met siekteverlof ingevolge klousule 7; of

(c) terwyl hy ingevolge die Verdedigingswet, 1957, militêre opleiding ondergaan;

(iii) waar 'n werknemer, ingeval hy kennisgewing van diensbeëindiging ontvang het in plaas van betaling in die plek van kennisgewing, gedurende sodanige tydperk van kennisgewing geregtig sou geword het op 'n verhoging ingevolge klousule 3

(10) During the period 1st to 31st December, inclusive, the provisions of subclauses (1), (2), (3) and (4) shall not apply in respect of scholars or university students employed as unqualified employees.

11. UNIFORMS, OVERALLS AND PROTECTIVE CLOTHING

(1) An employer shall supply and maintain in clean and good condition free of charge at least two overalls or washing coats per year to his employee who is directly engaged in the selling of foodstuffs, confectionery or groceries to the public.

(2) An employer shall in wet weather provide his employee, who in the performance of his duties is regularly exposed to the weather, free of charge with serviceable waterproof protection for the head and legs and a waterproof cape and such articles shall remain the property of the employer: Provided that an employer may in lieu of providing such articles pay to such employee, in addition to any other remuneration due to such employee, an allowance of not less than 35 cents per month.

(3) An employer shall supply his traveller's assistant free of charge with at least one serviceable dust coat per year.

(4) An employer shall provide his general worker, who scrubs or washes floors by hand, with serviceable kneepads free of charge.

(5) An employer who requires an employee to wear any form of non-washable protective clothing such as waterproof capes, overalls or protective boots or aprons, shall supply and maintain in clean and serviceable condition such protective clothing free of charge.

(6) An employer who requires his employee to wear a uniform, overall, washing coat, apron or cap shall provide and launder or clean such garment or article free of charge and maintain it in proper condition and such garment or article shall remain the property of the employee.

(7) An employer and his employee may agree that, in lieu of maintaining and laundering or cleaning any garment or article referred to in subclause (1) and (6), the employer shall pay to his employee, in addition to any other remuneration due to the employee, an allowance of not less than 15 cents per week per garment or article in which event the employee shall be responsible for the maintenance, other than major repairs, and the laundering or cleaning of the garment or article.

12. TERMINATION OF CONTRACT OF EMPLOYMENT

(1) An employer or his employee, other than a casual employee, who desires to terminate the contract of employment, shall give—

(a) during the first four weeks of employment, not less than than one work day's notice;

(b) in the case of a weekly employee, one week's notice after the first four weeks of employment;

(c) in the case of a monthly employee, two weeks' notice after the first four weeks of employment;

or termination of contract, or an employer or employee may terminate the contract without notice by paying the employee or paying the employer, as the case may be, in lieu of such notice not less than—

(i) in the case of one work day's notice, the daily wage which the employee is receiving at the time of such termination;

(ii) in the case of a week's notice, the weekly wage which the employee is receiving at the time of such termination;

(iii) in the case of two week's notice, double the weekly wage which the employee is receiving at the time of such termination;

Provided that—

(i) this shall not affect—

(a) the right of an employer or an employee to terminate the contract without notice for any cause recognised by law as sufficient;

(b) any written agreement between an employer and his employee which provides for a period of notice of equal duration on both sides and for longer than that prescribed in this clause;

(c) the operation of any forfeitures or penalties which by law may be applicable in respect of an employee who deserts;

(ii) payment in lieu of notice shall not be permitted during an employee's absence—

(a) on leave in terms of clause 6;

(b) on sick leave in terms of clause 7; or

(c) undergoing military training in pursuance of the Defence Act, 1957;

(iii) where an employee, had he been given notice of termination of employment instead of being paid in lieu of notice, would have become entitled during such period of notice to an increment in terms of clause 3 or to an extra period of

of op 'n ekstra verloftydperk ingevolge klousule 6, sy werkgever hom benewens alle ander bedrae aan hom verskuldig, die bedrag moet betaal wat hom sou toeval ten opsigte van sodanige verhoging of verlof as hy sodanige kennisgewing sou ontvang het.

(2) Indien daar 'n ooreenkoms ingevolge die eerste voorbehoudsbepaling van subklousule (1) bestaan, moet die betaling in plaas van kennisgewing eweredig wees aan die kennisgewingstermyn waarvoor daar ooreengekom is.

(3) Die kennisgewing in subklousule (1) voorgeskryf, moet geskied—

(a) in die geval van 'n weeklikse werknemer, voor of op die gewone betaaldag van die bedryfsinrigting vir sodanige werknemer, en dit loop vanaf die dag na sodanige betaaldag;

(b) in die geval van 'n maandelikse werknemer, voor of op die eerste of die 15de dag van 'n maand en dit loop vanaf sodanige eerste of 15de dag of, in die geval van 'n bedryfsinrigting waarin verspreide betaaldae nagekom word, voor of op 'n aangewese betaaldag of voor of op 'n datum sodat die twee weke kennis op 'n aangewese betaaldag eindig, en die kennisgewingstermyn loop vanaf sodanige aangewese betaaldag of datum:

Met dien verstande dat—

(i) die kennisgewingstermyn nie mag saamval nie met, en die kennisgewing nie mag geskied nie gedurende 'n werknemer se afwesigheid met verlof ingevolge klousule 6 of enige tydperk van militêre opleiding wat 'n werknemer ingevolge die Verdedigingswet, 1957, ondergaan;

(ii) daar nie gedurende 'n werknemer se afwesigheid met siekteverlof ooreenkomstig klousule 7 kennis gegee mag word nie;

(iii) waar slegs een werkdag se kennisgewing vereis word, sodanige kennisgewing op enige werkdag kan geskied;

(iv) waar die eerste of 15de dag van 'n maand op 'n Sondag of 'n openbare vakansiedag val, kennisgewing op die eerste werkdag onmiddellik na sodanige Sondag of openbare vakansiedag mag geskied.

(4) Die kennisgewing in subklousule (1) voorgeskryf, moet skriftelik geskied, behalwe in die geval van 'n werknemer wat nie kan lees en skryf nie.

(5) Ondanks andersluidende bepalinge in hierdie Vasstelling, mag 'n werkgever, in die geval waar 'n werknemer sy dienskontrak beëindig deur sy diens te verlaat sonder om kennis te gee en sonder om die vereiste kennisgewingstermyn uit te dien of sonder om sy werkgever te betaal in plaas van kennis te gee, uit enige geld wat hy sodanige werknemer uit hoofde van enige geld wat hy sodanige werknemer uit hoofde van enige bepaling van hierdie Vasstelling skuld aan homself 'n bedrag toeëien van hoogstens dié wat sodanige werknemer hom sou moes betaal het in plaas van kennis te gee.

13. DIENSSERTIFIKAAT

Behalwe waar 'n werknemer se dienskontrak op grond van diensverlating beëindig word, of waar die werknemer 'n los werknemer is, moet die werkgever by beëindiging van enige dienskontrak die werknemer van 'n dienssertifikaat voorsien wat wesenlik die vorm het soos in die Bylae van hierdie Vasstelling voorgeskryf, en wat die volle name van werkgever en die werknemer, die beroep van die werknemer, die aanvangsdatum en die datum van beëindiging van die kontrak en die weekloon of maandloon van die werknemer op die datum van sodanige beëindiging vermeld.

14. VERBOD OP INDIENSNEMING

'n Werkgever mag niemand onder die leeftyd van 15 jaar in diens neem nie.

15. LOGBOEK

(1) 'n Werkgever moet sy bestuurder van 'n motoryoertuig of sy deelydse bestuurder van 'n motorvoertuig voorsien van 'n logboek wat sover doenlik die volgende vorm het:

DAAGLIKSE LOG

Naam van werkgever _____
 Naam van bestuurder van motorvoertuig _____
 Datum _____ Registrasienumer van die voertuig _____
 Tyd waarop werk begin het _____ vm./nm.
 Tyd waarop werk opgehou het _____ vm./nm.
 Getal ure gewerk _____
 Etsure van _____ vm./nm. tot _____ vm./nm.
 Besonderhede omtrent enige ongeluk of vertraging _____
 Naam/Name van werknemer(s) wat motorvoertuigbestuurder versesel _____
 Datum _____ 19 _____ Handtekening van bestuurder _____

leave in terms of clause 6, his employer shall pay him in addition to all other amounts due to him, the amount which would have accrued to him in respect of such increment or leave, had he been given such notice.

(2) Where there is an agreement in terms of the first proviso to subclause (1), the payment in lieu of notice shall be commensurate with the period of notice agreed upon.

(3) The notice prescribed in subclause (1) shall be given—

(a) in the case of a weekly employee, on or before the usual pay day of the establishment for such employee and shall run from the day after such pay day;

(b) in the case of a monthly employee, on or before the first or the 15th day of a month and shall run from such first or 15th day or, in an establishment in which staggered pay days are observed, on or before a designated pay day or on or before a date such that the two weeks' notice terminates on a designated pay day and notice shall run from such designated pay day or date:

Provided that—

(i) the period of notice shall not run concurrently with, nor shall notice be given during, an employee's absence on leave granted in terms of clause 6 or any period of military training which an employee is undergoing in pursuance of the Defence Act, 1957;

(ii) notice shall not be given during an employee's absence on sick leave granted in terms of clause 7;

(iii) where only one work day's notice is required to be given such notice may be given on any work day;

(iv) where the first or 15th day of the month falls on a Sunday or a public holiday notice may be given on the first work day succeeding such Sunday or public holiday.

(4) The notice prescribed in subclause (1) shall be in writing, except in the case of an employee who is unable to read and write.

(5) Notwithstanding anything to the contrary in this Determination, where an employee terminates his contract of employment by leaving his employment without having given and served the required period of notice or without paying his employer in lieu of notice, his employer may appropriate to himself, from any moneys which he owes to such employee by virtue of any provisions of this Determination, an amount of not more than that which such employee would have had to pay him in lieu of notice.

13. CERTIFICATE OF SERVICE

Except where a contract of employment of an employee is terminated on the ground of desertion or where the employee is a casual employee, the employer shall upon termination of any contract of employment furnish the employee with a certificate of service substantially in the form prescribed in the Schedule to this Determination, showing the full names of the employer and of the employee, the occupation of the employee, the date of commencement and the date of termination of the contract and the weekly or monthly wage of the employee on the date of such termination.

14. PROHIBITION OF EMPLOYMENT

An employer shall not employ any person under the age of 15 years.

15. LOG BOOK

(1) An employer shall provide his driver of a motor vehicle or his part-time driver of a motor vehicle with a log-book as nearly as practicable in the following form:

DAILY LOG

Name of employer _____
 Name of driver _____
 Date _____ Registration number of the vehicle _____
 Time of starting work _____ a.m./p.m. _____ a.m./p.m.
 Time of finishing work _____ a.m./p.m. _____ a.m./p.m.
 Number of hours worked _____
 Meal hours from _____ a.m./p.m. to _____ a.m./p.m.
 Particulars of any accident or delay _____
 Name(s) of employee(s) accompanying driver _____
 Date _____ 19 _____ Signature of driver _____

(2) Elke bestuurder van 'n motorvoertuig of deeltidse bestuurder van 'n motorvoertuig moet in die logboek in subklousule (1) bedoel, oor elke dag se werk 'n daaglikse log in duplo hou en binne 24 uur na voltooiing van die dag se werk waarop dit betrekking het, 'n kopie daarvan by sy werkgever indien, en by die toepassing van hierdie klousule slaan die uitdrukking "werk" ten opsigte van 'n deeltidse bestuurder van 'n motorvoertuig slegs op "n motorvoertuig bestuur" soos dit in die woordomskriving van hierdie klas werknemer omskryf word.

(3) Elke werkgever moet die kopie van die daaglikse log wat ingevolge subklousule (2) by hom ingedien is, minstens drie jaar lank na sodanige indiening bewaar.

(4) Die bepalinge van subklousules (1), (2) en (3) is nie van toepassing nie ten opsigte van 'n motorvoertuig wat toegerus is met 'n meganiese toestel wat outomaties die aanvangs- en die ophoutye vir die hele tydperk wat die voertuig bestuur word en die getal myle afgelê, aanteken: Met dien verstande dat—

(i) die werkgever 'n register hou wat sonder onderbreking die name van die bestuurders of deeltidse bestuurders van sodanige voertuig vermeld en die tyd waarop elke bestuurder of deeltidse bestuurder vir die voertuig verantwoordelik was;

(ii) genoemde register die registrasienommer van die voertuig vermeld; en

(iii) genoemde register deur elke bestuurder of deeltidse bestuurder onderteken word om die tyd te bevestig waarop hy verantwoordelikheid vir die voertuig oorneem en die tyd waarop hy ophou om vir die voertuig verantwoordelik te wees.

(5) 'n Werkgever moet elke register soos in subklousule (4) vermeld, bewaar vir 'n tydperk van minstens drie jaar na die datum van die laaste inskrywing daarin of daarop.

16. PRESENSIEREGISTER

(1) Elke werkgever moet in sy bedryfsinrigting een of meer presensieregisters verskaf waarin voorsiening gemaak word vir die inskrywings wat 'n werknemer ingevolge subklousule (3) vereis word om te doen: Met dien verstande dat 'n werkgever in plaas van sodanige presensieregister, 'n halfoutomatiese tydregistreerder kan verskaf met die nodige kaarte so na as doenlik in die volgende vorm:

No. Naam

Week geëindig 19

Dag		In	Uit	In	Uit	Totaal
Sondag	vm.					
	nm.					
Maandag	vm.					
	nm.					
Dinsdag	vm.					
	nm.					
Woensdag	vm.					
	nm.					
Donderdag	vm.					
	nm.					
Vrydag	vm.					
	nm.					
Saterdag	vm.					
	nm.					

(2) 'n Werkgever moet daaglik in sodanige presensieregister aantekeninge hou van die naam en beroep van elke werknemer, of, waar hy 'n halfoutomatiese tydregistreerder verskaf het, moet hy aan elke werknemer 'n kaart verskaf in die vorm voorgeskryf in die voorbehoudsbepaling van subklousule (1), en hierdie kaart moet die naam van die werknemer en die datum van die einde van die week ten opsigte waarvan dit gebruik moet word, aandui.

(2) Every driver of a motor vehicle or part-time driver of a motor vehicle shall, in the log book referred to in subclause (1), keep a daily log in duplicate in respect of each day's work and shall within 24 hours of the completion of the day's work to which it relates deliver a copy thereof to his employer, and for the purpose of this clause the expression "work" in relation to a part-time driver of a motor vehicle shall refer only to "driving a motor vehicle" as defined in the definition of this class of employee.

(3) Every employer shall retain the copy of the daily log, which in terms of subclause (2) has been delivered to him, for a period of not less than three years subsequent to such delivery.

(4) The provisions of subclauses (1), (2) and (3) shall not apply in respect of a motor vehicle which is fitted with a mechanical device which automatically records the starting and stopping times for the whole period during which the vehicle is being driven and the mileages performed: Provided—

(i) that the employer keeps a record showing, with full continuity, the names of the drivers or part-time drivers of such vehicle and the times during which each driver or part-time driver was in charge of the vehicle;

(ii) that the said record shows the registration number of the vehicle; and

(iii) that the said record is signed by each driver or part-time driver confirming the time when he takes charge of the vehicle and the time when he ceases to be in charge of the vehicle.

(5) An employer shall retain every record referred to in subclause (4) for a period of not less than three years after the date of the last entry therein or thereon.

16. ATTENDANCE REGISTER

(1) Every employer shall provide in his establishment one or more attendance registers in which provisions is made for the entries which an employee is, in terms of subclause (3), required to make: Provided that in lieu of such attendance register an employer may provide a semi-automatic time recorder with the necessary cards as nearly as practicable in the following form—

No. Name

Week ending 19

Day		In	Out	In	Out	Total
Sunday	a.m.					
	p.m.					
Monday	a.m.					
	p.m.					
Tuesday	a.m.					
	p.m.					
Wednesday	a.m.					
	p.m.					
Thursday	a.m.					
	p.m.					
Friday	a.m.					
	p.m.					
Saturday	a.m.					
	p.m.					

(2) An employer shall day by day keep a record in such attendance register of the name and occupation of every employee, or, where he has provided a semi-automatic time recorder, he shall provide every employee with a card, in the form prescribed in the proviso to subclause (1), which card shall reflect the name of the employee and the date of the termination of the week in respect of which it should be used.

(3) Tensy hy deur 'n onvermydelike oorsaak verhinder word om dit te doen, moet elke werknemer ten opsigte van elke dag wat hy gewerk het en op dié dag—

(a) in sodanige presensieregister die volgende aanteken:

(i) Sy handtekening;

(ii) die tydstop waarop hy begin werk het;

(iii) die tydstop waarop elke etens- of ander pouse wat nie as gewone werkure gereken kan word nie, 'n aanvang neem en eindig; en

(iv) die aflooptyd van die werk vir die dag; of

(b) in 'n bedryfsinrigting waarin 'n halfoutomatiese tyd-registreerder verskaf word, inskrywings deur middel van sodanige registreerder op 'n kaart maak wat ingevolge subklousule (2) verskaf word om die volgende aan te toon:

(i) Die tydstop waarop hy begin werk het;

(ii) die tydstop waarop elke etens- of ander pouse wat nie as gewone werkure gereken word nie, 'n aanvang neem en eindig; en

(iii) die aflooptyd van die werk vir die dag:

Met dien verstande dat, indien 'n werknemer nie kan lees en skryf nie, sy werkgever namens hom die nodige inskrywings ten opsigte van items (a) (ii) tot en met (a) (iv) moet maak en onderteken.

(4) 'n Werkgever moet so 'n presensieregister of kaarte, na gelang van die geval, vir 'n tydperk van minstens drie jaar na die datum van die laaste inskrywing daarin of daarop bewaar.

(5) Alle inskrywings in 'n presensieregister moet in ink of inktlood geskied.

(6) Die bepalinge van hierdie klousule is nie op 'n chauffeur, 'n bestuurder van 'n motorvoertuig, 'n deeltydse bestuurder van 'n motorvoertuig of 'n werknemer wat uit hoofde van klousule 5 (9) (a) of (f) van die werkurebepalinge uitgesluit is, van toepassing nie.

BYLAE

Ek/Ons (a) _____ wat die (b) _____ bedryf beoefen te _____ verklaar hierby dat mnr./mev./mej. (a) _____ in my/ons (a) diens was van die _____ dag van _____ 19 _____ tot die dag van _____ 19 _____ in die beroep van (c) _____. By diensbeëindiging was sy/haar loon _____ rand _____ sent per week/maand (a).

Datum _____

Handtekening van werkgever
of gemagtigde verteenwoordiger

(a) Skrap wat nie van toepassing is nie.

(b) Meld aard van die bedryf, bv. juwelier, ysterwarehandelaar, drankwinkelbestuurder, algemene handelaar.

(c) Meld die beroep waarin die werknemer uitsluitlik of hoofsaaklik in diens was, bv. klerk, winkelassistent, algemene werker.

No. R. 1137

10 Julie 1970

WET OP FABRIEKE, MASJINERIE EN BOUWERK, 1941, SOOS GEWYSIG

KOMMERSIËLE DISTRIBUSIEBEDRYF, KLEINER DORPE

Ek, Marais Viljoen, Minister van Arbeid, verklaar hierby kragtens artikel 22 (1) van die Wet op Fabriek, Masjinerie en Bouwerk, 1941, soos gewysig, dat die bepalinge van die Loonvasstelling vir die Kommersiële Distribusiebedryf, Kleiner Dorpe, gepubliseer by Goewermentskennisgewing R. 1136 van 10 Julie 1970, oor die algemeen vir die werknemers wie se werkure en beloning ten opsigte van oortyd, openbare feesdae en werk op Sondae en openbare feesdae daarby gereël word, nie minder gunstig is nie as die desbetreffende bepalinge van genoemde Wet.

M. VILJOEN, Minister van Arbeid.

(3) Unless precluded from doing so by unavoidable cause, every employee shall in respect of each day worked by him and on that day—

(a) record in such attendance register—

(i) his signature;

(ii) the time he commenced work;

(iii) the time of commencement and termination of each meal or other interval, which is not reckonable as ordinary hours of work; and

(iv) the time of finishing work for the day; or

(b) in an establishment in which a semi-automatic time recorder is provided, make entries by means of such recorder on a card provided in terms of subclause (2) to show—

(i) the time he commenced work;

(ii) the time of commencement and termination of each meal or other interval, which is not reckonable as ordinary hours of work; and

(iii) the time of finishing work for the day:

Provided that if an employee is unable to read and write, his employer shall on his behalf make and sign the necessary entries in respect of items (a) (ii) to (a) (iv), inclusive.

(4) An employer shall retain such attendance register or cards, as the case may be, for a period of not less than three years after the date of the last entry therein or thereon.

(5) Every entry in an attendance register shall be made in ink or indelible pencil.

(6) The provisions of this clause shall not apply to a chauffeur, a driver of a motor vehicle, a part-time driver of a motor vehicle or an employee who is excluded from the hours of work provisions by virtue of clause 5 (9) (a) or (f).

SCHEDULE

I/We (a) _____
carrying on trade as (b) _____
at _____

hereby certify that Mr/Mrs/Miss (a) _____
was employed by me/us (a) from the _____ of _____ 19 _____
to the _____ day of _____ 19 _____ in the
occupation of (c) _____.
At the termination of employment his/her (a) wage was _____ rand
_____ cents per week/month (a).

Date _____

Signature of employer or
authorised representative

(a) Delete whichever inapplicable.

(b) State nature of the trade, e.g., jeweller, hardware merchant, bottlestore-keeper, general dealer.

(c) State occupation in which employee was wholly or mainly engaged, e.g., clerk, shop assistant, general worker.

No. R. 1137

10 Julie 1970

FACTORIES, MACHINERY AND BUILDING WORK ACT, 1941, AS AMENDED

COMMERCIAL DISTRIBUTIVE TRADE, SMALLER TOWNS

I, Marais Viljoen, Minister of Labour, hereby in terms of section 22 (1) of the Factories, Machinery and Building Work Act, 1941, as amended, declare the provisions of the Wage Determination for the Commercial Distributive Trade, Smaller Towns, published under Government Notice R. 1136 of 10 July 1970, to be on the whole, not less favourable to the employees whose hours of work and remuneration in respect of overtime, public holidays and work on Sundays and public holidays are regulated thereby, than the relative provisions of the said Act.

M. VILJOEN, Minister of Labour.

INHOUD

No.	BLADSY
Arbeid, Departement van	
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Werk mooi daarmee.

Ons leef daarvan

Use it.

Don't abuse it.

water is for everybody

M. VILJOEN, Minister of Labour

M. VILJOEN, Minister van Arbeid

Nuttige wenke—

1. Adresseer alle posstukke volledig, duidelik en sonder misleidende afkortings.
2. Plaas u eie adres agterop die koevert of omslag.
3. Moenie muntstukke of ander harde artikels in briewe insluit nie.
4. Gebruik posorders of poswissels wanneer geld deur die pos gestuur word.
5. Verpak pakkette behoorlik. Gebruik sterk houers en dik papier en bind dit stewig vas.
6. Maak seker dat die posgeld ten volle vooruitbetaal is.
7. Plak die posseëls in die boonste regterhoek van die koevert of omslag.
8. Verseker u pakkette en registreer waardevolle briewe. Dokumente wat slegs teen hoë koste vervang kan word, moet verkieslik verseker word.
9. Pos vroegtydig en dikwels gedurende die dag. Posstukke wat tot op die laaste oomblik teruggehou word kan vertraging veroorsaak.
10. Verstrek u volledige posadres aan u korrespondente asook u posbusnommer waar van toepassing.

Geregistreeerde pos is nie verseker nie.

Stuur waardevolle artikels per

VERSEKERDE PAKKETPOS

en

Geld deur middel van 'n POSORDER of

POSWISSEL.



Stuur u pakkette per lugpos

—dis vinniger!



RAADPLEEG U PLAASLIKE POSMEESTER.

Useful Hints—

1. Address all mail fully, clearly and without misleading abbreviations.
2. Place your own address on the back of the envelope or wrapper.
3. Do not enclose coins or other hard objects in letters.
4. Sent remittances by Postal Order or Money Order.
5. Pack parcels properly, using strong containers and heavy paper. Tie securely.
6. Prepay postage fully.
7. Place postage stamps in the upper right hand corner of the envelope or wrapper.
8. Insure your parcels and register valuable letters. Documents which can only be replaced at considerable cost should preferably be insured.
9. Post early and often during the day. Mail held until the last moment may cause delay.
10. Give your correspondents your correct post office address including your box number where applicable.

Registered mail carries no insurance.

Send valuables by

INSURED PARCEL POST

and

Money by means of a POSTAL ORDER or

MONEY ORDER.



Use air mail parcel post

———It's quicker!



CONSULT YOUR LOCAL POSTMASTER.